



ROOM 443

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts
IN THE YEAR
1941
TOGETHER WITH
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

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ACTS AND RESOLVES

OF

MASSACHUSETTS

1941

 The General Court, which was chosen November 5, 1940, assembled on Wednesday, the first day of January, 1941, for its biennial session.

The oaths of office were taken and subscribed by His Excellency LEVERETT SALTONSTALL and His Honor HORACE T. CAHILL on Thursday, the second day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT ESTABLISHING THE MEMBERSHIP OF THE MUNICIPAL COUNCIL OF THE CITY OF ATTLEBORO AND VALIDATING IN CERTAIN RESPECTS THE BIENNIAL MUNICIPAL ELECTION OF SAID CITY HELD IN NINETEEN HUNDRED AND FORTY AND CERTAIN OTHER ACTS AND PROCEEDINGS. Chap. 1

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section ten of chapter six hundred and eighty of the acts of nineteen hundred and fourteen is hereby amended by striking out, in the fourth line, the word "six" and inserting in place thereof the words:— the remaining, — so as to read as follows:— *Section 10.* The municipal council shall consist of eleven members, who shall be elected as follows:— One member from each ward, to be elected by and from the qualified voters of that ward, and the remaining members at large, to be elected by and from the qualified voters of the entire city, all of whom shall be elected in accordance with section six of this act. A majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

SECTION 2. The election of all persons appearing by the records of the municipal council of the city of Attleboro to have been elected at the biennial municipal election of said city held on Tuesday the third day of December, nineteen hundred and forty, and every act and proceeding of said city and of its boards and officers and of other persons, are hereby made legal and valid to the same extent as if section ten of said chapter six hundred and eighty, as amended by section one of this act, had been in effect at the time of said election, act or proceeding.

SECTION 3. This act shall take effect upon its passage.

Approved January 2, 1941.

AN ACT MAKING AN APPROPRIATION TO PROVIDE UNIFORMS AND EQUIPMENT FOR THE STATE GUARD, SO-CALLED. Chap. 2

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred sixty-three thousand eight hundred and twenty-six dollars, to provide uniforms and equipment for the state guard, so-called, is hereby appropriated from the general fund or revenue of the commonwealth, in advance of final action on the general appropriation bill, pursuant to a recommendation of the governor

to that effect in his inaugural address; provided, that no payment shall be made from this appropriation for uniforms or equipment made by prison labor.

SECTION 2. This act shall take effect upon its passage.

Approved January 10, 1941.

- Chap.* 3 AN ACT AUTHORIZING THE TOWN OF NEW SALEM TO USE THE MONEY RECEIVED FROM THE SALE OF CERTAIN REAL ESTATE TO THE COMMONWEALTH FOR THE PURPOSES OF THE METROPOLITAN WATER DISTRICT, FOR PURCHASING AND INSTALLING HEATING AND VENTILATING EQUIPMENT IN THE TOWN HALL.

Be it enacted, etc., as follows:

SECTION 1. The town of New Salem is hereby authorized to use the balance of the money received from the sale of certain real estate to the commonwealth for the purposes of the metropolitan water district, for the purpose of acquiring and installing heating and ventilating equipment in the town hall building, notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 14, 1941.

- Chap.* 4 AN ACT ENABLING THE TOWN OF BUCKLAND TO CONTRIBUTE TOWARD THE COST OF MAINTAINING COWELL GYMNASIUM, SITUATED IN THE TOWN OF SHELBURNE.

Be it enacted, etc., as follows:

SECTION 1. The town of Buckland may annually appropriate money for the purpose of contributing toward the cost of maintaining the Cowell Gymnasium, situated in and maintained by the town of Shelburne; provided, that the inhabitants of Buckland be allowed the same privileges with respect to said gymnasium as the inhabitants of Shelburne.

SECTION 2. This act shall take effect upon its passage.

Approved January 14, 1941.

- Chap.* 5 AN ACT PLACING UNDER THE JURISDICTION AND CONTROL OF THE SPECIAL MILITARY RESERVATION COMMISSION A PORTION OF THE SHAWME STATE FOREST, ALSO KNOWN AS THE SHAWME-CROWELL STATE FOREST.

Be it enacted, etc., as follows:

SECTION 1. That portion of the Shawme state forest, also known as the Shawme-Crowell state forest, which lies southwest of a line beginning at a point on the southerly side of the state highway known as Sandwich road in the town of Bourne, now or formerly marked by a drill hole, thence running southeasterly one thousand eighty-eight and sev-

enty-eight hundredths feet to a cement bound, thence turning an angle and running southeasterly to United States Government triangulation point known as Flat Rock, thence turning an angle and running southeasterly to a point on the easterly side of the state highway in the town of Sandwich known as Route 130, at the southeasterly corner of land formerly of the Coonamessett Ranch Co., — is hereby placed under the jurisdiction and control of the special military reservation commission, established by section one of chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-five and shall be administered as military property of the commonwealth.

SECTION 2. Such part or parts of that portion of said state forest which is transferred under section one as said special military reservation commission may, from time to time, certify in a writing or writings filed in the office of the state secretary as not being needed for national defense purposes or for any military purpose that will interfere with the development thereof as a state forest shall, for the period specified in the appropriate writing, be returned to the jurisdiction and control of the department of conservation, and during any such period said department shall be authorized to maintain and improve any part of said forest so returned under all the provisions of law applicable to state forests.

SECTION 3. This act shall take effect upon its passage.

Approved January 14, 1941.

AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO VOTE TO REVOKE ITS ACCEPTANCE OF CERTAIN PROVISIONS OF LAW APPLICABLE TO TENEMENT HOUSES IN TOWNS. Chap. 6

Be it enacted, etc., as follows:

SECTION 1. There shall be submitted at the next annual town election in the town of Watertown the following question which shall be printed upon the official ballot used for the election of town officers in the following form: "Shall the town of Watertown revoke its acceptance of chapter six hundred and thirty-five of the acts of nineteen hundred and twelve, being an act relative to tenement houses in towns?" If a majority of the voters voting thereon vote in the affirmative, in answer to said question, then the provisions of chapter one hundred and forty-five of the General Laws shall not apply in said town. Nothing herein contained shall prevent said town from hereafter accepting the provisions of said chapter one hundred and forty-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1941.

Chap. 7 AN ACT RELATIVE TO THE ESTABLISHMENT OF AN AIRPORT
IN THE TOWN OF WEYMOUTH IN FURTHERANCE OF NA-
TIONAL DEFENSE.

Be it enacted, etc., as follows:

SECTION 1. In furtherance of national defense, the town of Weymouth, acting by its board of selectmen, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, for airport purposes, such property in said town within the limits of the area hereinafter described, as may be necessary, and subsequently to lease or convey such land, by an instrument in form approved by the attorney general, either for actual or nominal consideration, to the United States of America for said purposes, or for any other purpose of national defense. The area within which property may be acquired under this section is bounded and described as follows:—

Beginning at a point on Union street at the town boundary line of the towns of Weymouth and Rockland; thence extending along Union street in a northwesterly direction to the intersection of said street and Central street; thence along Central street in a northwesterly direction to its intersection with Pleasant street; thence southwesterly along Pleasant street to its intersection with Main street; thence southerly along Main street to the point where the location of the New York, New Haven and Hartford Railroad intersects said Main street; thence southerly along the location of said railroad to a point in the boundary line of the towns of Weymouth and Abington; thence northeasterly along the town line of said town of Weymouth to Union street; thence along said Union street to the point of beginning.

SECTION 2. In the event that said United States shall acquire by condemnation proceedings, or acquire by purchase or otherwise, land in said town for airport purposes, said town may appropriate money to reimburse said United States for the amount spent by it for said land.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1941.

Chap. 8 AN ACT AUTHORIZING THE TOWN OF NATICK TO BORROW
MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for, and building an addition to and making alterations in, the high school building, and of equipping and furnishing said building, the town of Natick may borrow, from time to time within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred and ten thousand dollars, and may issue

bonds or notes therefor, which shall bear on their face the words, Natick School Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit and be subject to the provisions of chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1941.

AN ACT AUTHORIZING THE TOWN OF CHILMARK TO CONTRIBUTE TO THE COST OF CERTAIN IMPROVEMENTS IN MENEMSHA CREEK IN THE TOWNS OF CHILMARK AND GAY HEAD. Chap. 9

Be it enacted, etc., as follows:

SECTION 1. The town of Chilmark is hereby authorized to appropriate and expend a sum not exceeding five thousand dollars for the purpose of contributing, under the provisions of chapter seventy of the resolves of nineteen hundred and thirty-nine, to the cost of certain improvements in Menemsha creek in the towns of Chilmark and Gay Head, referred to in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1941.

AN ACT RELATIVE TO THE MEMBERSHIP OF BOARDS OF PARK COMMISSIONERS IN TOWNS. Chap. 10

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter forty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "three" in the second line the words: — or five, — so as to read as follows: —

Section 2. A town may elect a board of park commissioners, consisting of three or five persons, and prescribe their terms of office, or the members of a town planning board may if so authorized by vote of the town act as park commissioners therein. In a town which has not elected a board of park commissioners or has not authorized the town planning board so to act, the selectmen shall act as such board of park commissioners. The mayor of a city may, with the approval of the city council, appoint a board of park commissioners for said city, consisting of five persons, who shall hold office for terms of one, two, three, four and five years respectively from the first Monday in May next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in May, with like approval appoint one such commissioner for a term of five years from said first Monday in May. No member of the city council, clerk or treasurer of such city or town shall be such commissioner. In cities a

G. L. (Ter. Ed.), 45, § 2, amended.

Park commissioners, election, appointment and removal.

vacancy in such board shall be filled in like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of the voters of a town, or by a vote of two thirds of all the members of a city council. Such commissioners shall serve without compensation.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 11* AN ACT AUTHORIZING THE TOWN OF GAY HEAD TO CONTRIBUTE TO THE COST OF CERTAIN IMPROVEMENTS IN MENEMSHA CREEK IN THE TOWNS OF CHILMARK AND GAY HEAD.

Be it enacted, etc., as follows:

SECTION 1. The town of Gay Head is hereby authorized to appropriate and expend a sum not exceeding five hundred dollars for the purpose of contributing, under the provisions of chapter seventy of the resolves of nineteen hundred and thirty-nine, to the cost of certain improvements in Menemsha creek in the towns of Chilmark and Gay Head, referred to in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 12* AN ACT AUTHORIZING THE TEMPORARY EXTENSION OF THREE PIERS FROM THE BOSTON NAVY YARD INTO BOSTON HARBOR BEYOND THE ESTABLISHED LINE OF JURISDICTION.

Be it enacted, etc., as follows:

SECTION 1. The United States of America is hereby authorized to extend three piers from the Boston Navy Yard into Boston harbor beyond the line of jurisdiction established by chapter four hundred and ninety of the acts of nineteen hundred and thirty-eight; provided, that each such extension shall be built of piling and shall not extend more than two hundred and fifty feet beyond said line of jurisdiction, and shall not be more than one hundred feet wide, and that said extensions shall not be maintained after April fifteenth, nineteen hundred and forty-five.

SECTION 2. Upon the completion of the extensions hereby authorized, the United States of America shall file with the department of public works plans sufficient to show the location and the construction of said extensions.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 13* AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. The annual town meeting of the town of Canton shall be held on the fourth Monday of February or

the day following in the event that said Monday is a legal holiday. All matters to be considered at the annual town meeting, other than the election of town officers and any questions required by law to be placed upon the official ballot, shall be considered at an adjournment of such meeting to be held on the first Monday in March at half past seven o'clock in the evening.

SECTION 2. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot from the inhabitants of the town a moderator to preside at said meeting and at all town meetings until the final adjournment of the next following annual town meeting and until the qualification of his successor. At the second annual town meeting following the acceptance of this act, and at each annual town meeting thereafter, the qualified voters of the town shall elect by official ballot from the inhabitants of the town a moderator to preside at all town meetings held after the final adjournment of the annual town meeting at which he was elected and until the final adjournment of the next annual town meeting and until the qualification of his successor. If a moderator so elected is unable by reason of absence or disability to perform the duties of his office, a temporary moderator may be elected.

SELECTMEN.

SECTION 3. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five selectmen who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected in the place of each selectman whose term is about to expire a selectman, to serve for the term of three years. The selectmen elected hereunder shall serve until the qualification of their respective successors. If, unless as the result of a recall election, a vacancy or vacancies occur in the membership of the selectmen so elected, the remaining members shall call a special town meeting to fill the vacancy or vacancies for the balance of the unexpired term or terms, except that if a vacancy or vacancies occur less than three months prior to the date of the annual town meeting and not less than three selectmen so elected remain in office, the vacancy or vacancies shall remain unfilled until such annual town meeting. A vacancy resulting from a recall election shall be filled as hereafter provided in this act. No selectman so elected shall, during the term for which he is elected, be eligible, either by election or appointment, to any other town office of the town.

SECTION 4. Upon the qualification of a majority of the selectmen first elected as provided in section three, all the powers, rights, duties and liabilities conferred or imposed by

law, whether now existing or hereafter enacted, upon the offices of surveyor or surveyors of highways, water commissioners, sewer commission, board of public welfare and board of health (including, as to the last mentioned board, the handling of garbage and the supervision of town dumps) of said town shall be transferred to and conferred and imposed upon the selectmen, and the said offices shall be abolished. Such transfer of rights, powers, duties and liabilities shall not affect any liability incurred, contract made, fine, special assessment, rate, penalty, forfeiture or tax imposed before such transfer and abolition, nor any suit or other proceeding then pending; and the selectmen elected as provided in said section three shall in all respects and for all purposes whatsoever be the lawful successors of said officers. The selectmen so elected shall appoint a town clerk (who shall also act as town accountant), a planning board; library trustees, assessors of taxes, a tax collector, a treasurer, registrars of voters, fence viewers, field drivers, surveyors of lumber, a measurer of wood and bark, an inspector of animals and meat, public weighers, a dog officer, a measurer of leather, a pound keeper, constables, and such other town officers as they deem necessary to perform, or to assist them in performing, the powers and duties conferred or imposed upon them by law, including the powers and duties of the offices hereby abolished.

SCHOOL COMMITTEE AND LIBRARY TRUSTEES.

SECTION 5. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five members of the school committee who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected, in place of each member of the school committee whose term is about to expire, a member to serve for the term of three years. Each member of the school committee so elected shall serve until the qualification of his successor. Upon the qualification of a majority of the members of the school committee first elected as provided in this section, the terms of office of the members of the school committee then in office shall cease and determine.

At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five trustees of the public library who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected, in place of each trustee of the public library whose term is about to expire, a library trustee to serve for the term of three years. Each trustee of the public library elected hereunder shall

serve until the qualification of his successor. Upon the qualification of a majority of the trustees of the public library first elected as provided in this section, the terms of office of the trustees of the public library then in office shall cease and determine.

TREASURER AND COLLECTOR.

SECTION 6. Commencing with the year next following the year in which this act is accepted, the selectmen shall annually, prior to the fourth Monday in March, appoint from the inhabitants of the town a treasurer and a collector of taxes, who shall respectively have all the powers and rights and be subject to all the duties and all the liabilities now or hereafter conferred or imposed by general law upon treasurers and upon collectors of taxes in towns. They shall severally be appointed for terms of one year from the first day of April following their appointment and shall serve until the qualification of their respective successors. Within thirty days after a vacancy occurs in either of said offices the selectmen shall fill the same by appointment in like manner for the remainder of the unexpired term. Upon the qualification of the treasurer and the collector of taxes first appointed as provided in this section, the term of office of the town treasurer and of the collector of taxes of the town then in office shall cease and determine. The offices of treasurer and of collector of taxes shall not be held by the same person at the same time.

ASSESSORS.

SECTION 7. The selectmen elected as provided in section three shall, forthwith after the first annual town meeting following the acceptance of this act, appoint three inhabitants of the town as assessors, one to serve for the term of one year, one for the term of two years, and one for the term of three years, and thereafter, forthwith after each annual town meeting, shall appoint one assessor to serve for the term of three years. Each assessor so appointed shall serve until the qualification of his successor. The assessors shall hold no other elective or appointive office of the town. If a vacancy occurs in the office of assessor appointed under this act it shall be filled forthwith by the selectmen in like manner for the balance of the unexpired term. Upon the qualification of a majority of the assessors first appointed as provided in this section the terms of office of the assessors then in office shall cease and determine. Assessors appointed hereunder shall have all the powers and rights and be subject to all the duties and the liabilities now or hereafter conferred or imposed by general law upon assessors in towns. The selectmen elected as provided in section three may also appoint inhabitants of the town to act as assistant assessors, who shall have all the powers and rights and be

subject to all the duties and the liabilities now or hereafter conferred or imposed by general law upon assistant assessors in towns, and who may be removed by said selectmen.

TOWN CLERK.

SECTION 8. The selectmen elected as provided in section three shall, forthwith after the first annual town meeting following the acceptance of this act, appoint a suitably qualified inhabitant of the town to the office of town clerk, who shall also perform the duties and possess the powers of a town accountant, and who shall be sworn to the faithful performance of his duties by the chairman of the selectmen or by a justice of the peace, and shall hold office during the pleasure of the selectmen. In case of a vacancy in said appointive office of town clerk, the selectmen shall forthwith in like manner appoint a suitably qualified inhabitant of the town to fill the same. Upon the qualification of the town clerk first appointed as provided in this section, the term of office of the town clerk then in office shall cease and determine. The town clerk so appointed shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town clerks and upon town accountants. In addition to the duties prescribed by general law he shall act as clerk of the board of selectmen and of the assessors.

TOWN MANAGER.

SECTION 9. The selectmen elected as provided in section three shall, as soon as practicable and from time to time thereafter, appoint a town manager who shall, except as is otherwise herein expressly provided, be the administrative head of all departments of the town, the conduct of which is by the general law or by this act placed upon the selectmen. He shall be subject to the direction and supervision, and shall hold office at the will, of the selectmen, and shall be a person specially fitted by education, training and experience to perform the duties of said office. He shall be chosen irrespective of his political opinions and may or may not be, when appointed, an inhabitant of the town. During the time that he holds such appointment he shall hold no other elective or appointive office of the town, nor shall he be engaged in any other business or occupation. He shall be responsible for the efficient administration of all departments within the scope of his duties. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof by the chairman of the selectmen, by the town clerk, or by a justice of the peace.

SECTION 10. If any person appointed to office by the selectmen under authority of any provision of this act, because of disability or absence is unable to perform his duties, the selectmen may in writing signed by them, which

shall be filed in the office of the town clerk, appoint a suitably qualified person to hold such office temporarily and to exercise and perform the powers and duties thereof until another is duly elected or appointed and has qualified according to law, or until the officer who was disabled or absent resumes his duties. If in the case of an office to which a temporary appointment is made hereunder a bond is required to be filed, such temporary officer shall file such bond before assuming the duties of his office.

POWERS AND DUTIES OF THE TOWN MANAGER.

SECTION 11. The powers and duties of the town manager shall include the following:

(a) To organize, continue or discontinue such divisions or departments as the selectmen may from time to time determine.

(b) To appoint, upon merit and fitness alone, and except as herein otherwise provided to remove, subject to the approval of the selectmen, and subject to chapter thirty-one of the General Laws in the case of officers and employees under the classified civil service, all subordinate officers and employees under his control and, subject to like approval, to fix their compensation.

(c) To attend all regular meetings of the selectmen, and such special meetings of the selectmen as they may require.

(d) To keep full and complete records of the doings of his office, and to render as often as may be required by the selectmen a full report thereof; and when required by the selectmen to make a synopsis of all reports for publication.

(e) To keep the selectmen fully advised as to the needs of the town within the scope of his duties, and to furnish them and the finance committee on or before the first day of January in each year a careful, detailed estimate in writing of the appropriations required during the ensuing fiscal year for the proper conduct of all departments of the town under his control.

(f) To keep in repair all town buildings, except the public library and school buildings; but he shall repair the public library or school buildings upon request in writing of the trustees of the public library or of the school committee, respectively.

(g) To purchase all supplies for every department of the town, except that books and other supplies for the schools or the public library shall be purchased only upon requisition therefor by the trustees of the public library or by the school committee, respectively; but purchases of supplies for other departments over which he has no control shall be made only upon requisition therefor by them or their authorized representatives.

(h) To perform such other duties, consistent with his office, as may be required of him by the by-laws of the town or by vote of the selectmen.

(i) To have the control and supervision of the police department of the town.

(j) To have the control and supervision of the fire department of the town.

(k) To examine or cause to be examined, with or without notice, the affairs of any division or department under his control, or the conduct of any officer or employee thereof; and, for that purpose, he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.

(l) To administer the health regulations of the town as established by by-laws, or made by the selectmen, in addition to those established by law, either directly or through a person appointed by him, to be designated as the health officer, and, under the supervision of the selectmen, to exercise the powers and perform the duties of a board of health.

(m) Under the supervision of the selectmen, to exercise the powers and to perform the duties of a board of public welfare pertaining to all forms of welfare relief, including old age assistance and aid to dependent children. He shall also, subject to such supervision, administer the laws relating to military aid and soldiers' relief.

(n) To appoint a town physician and a town counsel, if, in the opinion of the selectmen, these offices are necessary, and an inspector of buildings if one is required by the town.

FINANCE COMMITTEE.

SECTION 12. The members of the finance committee of the town at the time of the acceptance of this act shall continue to serve until the expiration of their respective terms of office and shall have and be subject to the rights, powers and duties hereafter in this act set forth but their existing terms of office shall not be hereby extended.

The moderator elected as provided in section two shall, as the terms of the incumbents hereinbefore referred to expire, appoint two members of the finance committee each to serve for a term of three years, and the town clerk shall serve ex officio as a member and clerk of the committee. No member of said committee, other than the town clerk, shall hold another elective or appointive office of the town.

If an appointed member remains absent for more than three consecutive meetings, except for illness, his place on the finance committee shall thereupon become vacant and another person shall be appointed thereto as provided in the following paragraph.

The moderator elected as above provided, upon receiving notice of a vacancy in the appointive membership of the finance committee, shall appoint a member to serve for the balance of the unexpired term.

A majority of the members of the said committee shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

SECTION 13. The finance committee shall have and exercise the rights, powers and duties hereinafter set forth. The selectmen elected as provided in section three, after drawing any warrant for a town meeting, shall immediately refer the articles therein to the finance committee and transmit a copy of such articles to each member of said finance committee, and said committee shall consider all such articles. A public hearing may be held upon all such articles, unless a public hearing thereon by some other tribunal is required by general law, and a notice of such public hearing shall be given by posting a copy of said notice, at least seven days before such hearing, in at least six public places in the town. After due consideration of the subject matter in such articles, said committee shall report thereon, in print or otherwise, to the town meeting such recommendations as it deems best for the interest of the town. The finance committee shall consider the annual estimates of receipts and expenditures as prepared by the town manager and other town officials in charge of departments not under the jurisdiction of the manager, and add another column to the prepared statements, giving the amounts which in its opinion should be appropriated for the ensuing fiscal year, and shall add thereto such explanation and suggestions in relation to the proposed appropriations as it may deem expedient, and report thereon.

Said committee shall make an annual report of its doings, with recommendations of its financial matters, which shall be printed in the annual town report.

ESTIMATES AND INFORMATION.

SECTION 14. The town manager and officers and boards of the town not under the jurisdiction of the town manager shall annually, not later than January first, submit to the finance committee in writing detailed estimates of appropriations required for the administration of their respective boards or offices during the next ensuing fiscal year, and the amounts necessary for outlays, and shall at any time, upon request in writing of the finance committee, furnish to it all information in their possession relative to the administration of their respective boards or offices. The finance committee shall, at all reasonable times, upon the request of any of such officers or boards, advise with them, and furnish them with any information in its possession relative to the financial affairs of their respective boards or offices. Said committee may investigate the methods of procedure and the expenses of all departments and make such report thereon as it deems necessary or advisable.

INVESTIGATIONS.

SECTION 15. At all public hearings held by the finance committee it may require the attendance of town officers

and the production of town books, papers, contracts, documents and other evidence relating to any matter within the scope of such hearing.

EMPLOYMENT OF EXPERTS.

SECTION 16. The finance committee may employ such experts, counsel and other assistants, and incur such other expenses, as it may deem necessary, and the funds therefor, not exceeding, in the aggregate, five hundred dollars in any one fiscal year, may be transferred from the reserve fund; provided, that a larger amount may be appropriated for said purpose for said town.

THE PLANNING BOARD.

SECTION 17. The members of the planning board of the town at the time of the acceptance of this act shall continue to serve until the expiration of their respective terms of office; but upon the expiration of their terms of office their respective successors shall be appointed by the selectmen elected under section three. The planning board shall keep itself informed of the progress of town planning and make studies and recommendations for the improvement and development of the town with a view to the present and future movement of traffic, the general convenience, health, recreation and well being and any needs of the town, and shall have and exercise all the powers and duties now or hereafter vested in planning boards by general law.

RESIGNATION AND REMOVAL OF TOWN OFFICERS.

SECTION 18. Any person holding an appointive office may resign his office by filing his resignation thereof in the office of the town clerk, and such resignation shall be effective forthwith, unless a time certain is specified therein when it shall take effect; provided, that the selectmen may forthwith remove any appointive town officer subject to section nineteen whose resignation is made to take effect in the future.

SECTION 19. The selectmen may remove from office any town officer whose appointment by them is specifically authorized by this act. The reason for such removal shall be set forth in detail in the records of the selectmen, and shall be forthwith communicated in writing to the officer so removed.

SALARIES AND COMPENSATION.

SECTION 20. The town clerk, treasurer, collector, assessors and town manager shall respectively receive such compensation for their services as the selectmen shall determine, but not exceeding the amounts appropriated therefor by the town. Members of the board of selectmen, finance committee, school committee and library trustees shall receive no salary or compensation.

HOLDERS OF AN ELECTIVE OFFICE MAY BE RECALLED, ETC.

SECTION 21. Any holder of an elective town office may be recalled, and removed therefrom by the qualified voters of the town as provided in this act.

RECALL, PETITION, PREPARATION, FILING.

SECTION 22. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the reasons therefor. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen, shall contain the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by at least ten per cent of the qualified voters of the town, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters of the town and the total number of qualified voters of the town.

SECTION 23. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay and the selectmen shall forthwith give written notice to the officer sought to be recalled of the receipt of said certificate and shall, if said officer does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than thirty days after the date of the town clerk's certificate that a sufficient petition is filed; provided, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 24. Any officer sought to be recalled may be a candidate to succeed himself, and, unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. The nomination of other

candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of general law relating to elections, unless otherwise provided in this act.

SECTION 25. The town officer sought to be recalled shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in office for the balance of his unexpired term, or for his new term, as the case may be, but subject to recall as before, except as otherwise provided in section twenty-seven. If not re-elected at the recall election, his term of office shall cease and determine upon the qualification of his successor, who shall hold office during the balance of the unexpired term; provided, that, if such successor fails to qualify within five days after receiving notification of his election, he shall thereupon be deemed removed and the office vacant.

SECTION 26. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One," and beneath this the names of candidates nominated as hereinbefore provided.

SECTION 27. No recall petition shall be filed against a town officer within three months after he takes office, nor, in the case of an officer subjected to a recall election and not removed thereby, until at least three months after such election.

SECTION 28. No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office of the town within two years after such removal by recall or resignation.

SECTION 29. This act shall be submitted to the qualified voters of the town of Canton at the annual town election in said town in the year nineteen hundred and forty-one. The vote shall be taken in answer to the following question, which shall be printed on the official ballot to be used at such election: "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act Establishing a Town Manager Form of Government for the Town of Canton', be accepted?" If the act is accepted by a majority of the qualified voters voting thereon, it shall take effect forthwith for the purpose of the next annual town meeting and for all things pertaining thereto, and shall take full effect upon the qualification of a majority of the selectmen first elected as provided in section three.

If this act is rejected by the qualified voters of the town of Canton when first submitted to said voters under this

section, it shall be submitted for acceptance in like manner to such voters at the annual town election in said town in the year nineteen hundred and forty-two, and, if accepted by a majority of such voters voting thereon at said election, shall thereupon take effect as hereinbefore provided.

SECTION 30. At any time, except as hereinafter provided, after the expiration of five years from the date on which this act is accepted, and not less than ninety days before the date of an annual town election, a petition signed by not less than fifteen per cent of the qualified voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the selectmen shall cause to be printed on the official ballot, used for the election of town officers, the following question: — "Shall the acceptance by the town of Canton of an act passed by the General Court in the year nineteen hundred and forty-one, entitled 'An Act Establishing a Town Manager Form of Government for the Town of Canton', be revoked?" If such revocation is favored by a majority of the voters voting thereon by ballot, the acceptance of this act shall be revoked from and after the date of the annual town meeting next following such vote. The revocation of such acceptance shall not affect any contract then existing or any action at law or suit in equity or other proceeding then pending. If such acceptance shall be revoked as aforesaid, this act shall become null and void from and after the date of such annual town meeting, and thereafter all general laws respecting town government and town officers shall apply to the town of Canton, and any special laws relative to said town which are repealed or made inoperative by this act shall be revived or again made operative by such revocation. By-laws in force when the revocation takes effect, so far as they are consistent with general laws respecting town government and town officers and with such special laws, shall not be affected thereby, but any by-law inconsistent with this act shall be revoked. A vote on the question of revoking the acceptance of this act shall not be taken oftener than once in every three years.

Approved February 13, 1941.

AN ACT AUTHORIZING THE PLACING OF THE OFFICE OF TOWN
ACCOUNTANT OF THE TOWN OF MILFORD UNDER THE CIVIL
SERVICE LAWS. Chap. 14

Be it enacted, etc., as follows:

SECTION 1. The office of town accountant of the town of Milford shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date shall continue to serve therein only until the expiration of his term of office unless prior thereto he passes a non-competitive qualifying

examination to which he shall be subjected by the division of civil service.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at the annual town meeting in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and forty-one, entitled 'An Act authorizing the placing of the Office of Town Accountant of the Town of Milford under the Civil Service Laws', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 13, 1941.

Chap. 15 AN ACT AUTHORIZING AND EMPOWERING THE CITY OF BOSTON TO TRANSFER TO THE UNITED STATES OF AMERICA A CERTAIN LOT OF LAND IN EAST BOSTON AND CEDING JURISDICTION OF THE SAME.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which, in view of the present national emergency, is to make available at once to the war department land on which to build a military hangar at the Boston Airport, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized and empowered to transfer to the United States of America, with or without monetary consideration and subject to such terms and conditions as the mayor and city council of said city shall in writing approve, for airport purposes, a certain lot or parcel of land situated in that part of said city known as East Boston, being a portion of a lot of land containing approximately four hundred and seventy thousand eight hundred and ninety-five square feet, which was taken by eminent domain in fee simple for airport purposes by an order of the board of street commissioners of said city approved January twenty-second, nineteen hundred and thirty-two, the instrument of taking for said lot being recorded with Suffolk registry of deeds, book 5313, page 63; the lot hereby authorized to be transferred being bounded and described as follows: — Starting at a point on the southeasterly boundary line of the location of the Boston, Revere Beach and Lynn Railroad Company, said point being distant northeasterly one hundred and ninety feet from the present northeasterly side line of Porter street; thence running northeasterly by the said line of the location of the Boston, Revere Beach and Lynn Railroad Company, two hundred and twenty feet; thence turning and running southeasterly parallel with Porter street, two hundred and

sixty and ten one hundredths feet; thence turning and running southwesterly by land of the commonwealth of Massachusetts, two hundred and twenty feet; thence turning and running northwesterly by other land of the commonwealth of Massachusetts, two hundred and sixty and ten one hundredths feet to the point of beginning; containing fifty-seven thousand two hundred and twenty-two square feet of land, more or less.

SECTION 2. Upon the transfer of the area described in section one to the United States of America and the filing of a copy of a plan of such area by said United States, acting by its properly authorized agent, in the office of the state secretary, jurisdiction over said area shall be granted and ceded to said United States, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with said United States in and over said area, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said area and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been made; provided, that the title to, and the exclusive jurisdiction over, said area shall revert to and revest in said city of Boston whenever said area shall cease to be used by said United States for airport purposes.

The United States government is hereby authorized to fill the area referred to in section one in accordance with plans to be filed with and approved by the state department of public works and to place such structures in or over such area as may be necessary for the purpose for which the same is authorized to be transferred.

Approved February 13, 1941.

AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO CONSTRUCT AND MAINTAIN A LOCKER BUILDING ON CERTAIN LAND WITHIN THE LIMITS OF PHILLIPS PARK IN SAID TOWN.

Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The town of Swampscott is hereby authorized, notwithstanding any limitation contained in chapter forty-five of the General Laws, to build, equip, and maintain, a locker building, covering an area of not more than three thousand square feet on the ground, within the limits of Phillips Park, in said town, which park was acquired by said town for park and recreational purposes. Said building shall be so located as to interfere as little as possible with the use for recreational, or athletic purposes of any part of the park area then so used.

SECTION 2. This act shall take effect upon its passage.

Approved February 19, 1941.

Chap. 17 AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO CONSTRUCT AND MAINTAIN A STORAGE AND LOCKER BUILDING, AND A RECREATION LODGE, SO CALLED, WITHIN THE LIMITS OF JACKSON PARK IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Swampscott is hereby authorized, notwithstanding any limitation contained in chapter forty-five of the General Laws, to build, equip and maintain a building for locker and park equipment storage purposes, covering an area of not more than three thousand square feet on the ground, within the limits of Jackson Park, in said town, which park was acquired by said town for park and recreational purposes. Said building shall be so located as to interfere as little as possible with the use for recreational or athletic purposes of any part of the park area then so used.

SECTION 2. Said town is hereby further authorized, notwithstanding any limitation contained in said chapter forty-five, to build, equip and maintain a recreation lodge, so called, covering an area of not more than three thousand square feet on the ground, within the limits of Jackson Park, in said town, which park was acquired by said town for park and recreational purposes. Said building shall be so located as to interfere as little as possible with the use for recreational or athletic purposes of any part of the park area then so used.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1941.

Chap. 18 AN ACT RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF A STRUCTURE BRIDGING SHERMAN STREET IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Upon petition and after seven days' notice published in at least one newspaper published in the city of Malden, and a public hearing thereon, the street and water commission of the city of Malden may, with the approval of the mayor, grant and issue a permit to National Company, Inc., a corporation duly established and existing under the laws of this commonwealth, to build and, on such conditions and subject to such restrictions as said commission may prescribe, permanently maintain a structure bridging Sherman street in said city connecting buildings owned by said National Company, Inc. on opposite sides of said street.

SECTION 2. No structure bridging said street under a permit issued as provided in section one of this act, shall be constructed or maintained at a height less than fourteen feet six inches above the grade line of said street, nor shall such structure be more than fifteen feet in width, and no part of the bridge or its supports shall rest upon the surface

of the street; nor shall any such structure be erected or maintained over any portions of said street not owned in fee by said National Company, Inc. without the written consent of the owners of such portions in each instance. Such consent of the city of Malden, if and when necessary, may be given by said street and water commission, with the approval of the mayor.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1941.

AN ACT PROVIDING FOR THE APPOINTMENT OF A GENERAL OFFICER OF THE LAND FORCES TO ACT AS A MEMBER OF THE ARMORY COMMISSION IN CERTAIN CASES. Chap. 19

Be it enacted, etc., as follows:

Section eighteen of chapter six of the General Laws, as amended by section one of chapter three hundred of the acts of nineteen hundred and thirty-seven, is hereby further amended by adding at the end the following sentence: — In case said major general is relieved from duty in the national guard by reason of being in the military service of the United States of America under call or order of the president of said United States, or in case said major general, while not in said military service, is unable to perform his duties as a member of said commission by reason of absence from the commonwealth, the governor as commander-in-chief may appoint some other general officer of the land forces of the commonwealth to act, during the period of such service or absence, as a member of said commission in lieu of said major general.

Approved February 19, 1941.

G. L. (Ter. Ed.), 6, § 18, etc., amended.

Armory commissioners, vacancies.

AN ACT PROVIDING FOR THE APPOINTMENT OF A GENERAL OFFICER OF THE LAND FORCES TO ACT AS AN ASSOCIATE COMMISSIONER OF THE SPECIAL MILITARY RESERVATION COMMISSION IN CERTAIN CASES. Chap. 20

Be it enacted, etc., as follows:

Section one of chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-five is hereby amended by adding at the end the following sentence: — In case said commanding general of said twenty-sixth division is relieved from duty in the national guard by reason of being in the military service of the United States of America under call or order of the president of said United States, or in case said commanding general, while not in said military service, is unable to perform his duties as such associate commissioner by reason of absence from the commonwealth, the governor as commander-in-chief may appoint some other general officer of the land forces of the commonwealth to act, during the period of such service or absence, as such associate commissioner in lieu of said commanding general.

Approved February 19, 1941.

Chap. 21 AN ACT AUTHORIZING THE TOWN OF HULL TO ACQUIRE LANDS FOR WHARF AND RECREATION CENTER PURPOSES IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Hull may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, the lands and wharf properties, and the structures and buildings thereon, in said town now owned by the Nantasket-Boston Steamboat Company, and may use, maintain and operate, as a wharf or wharves and a common landing place or places, such portion thereof as said town may determine at any special or annual town meeting; and may use, maintain and operate the remaining portions thereof for the purposes of a recreation center or centers, and may, on said remaining portions of lands and in the buildings thereon, conduct and promote recreation, play, sport and physical education, for which admission may be charged, and may establish parking places and construct buildings at any such recreation center, and may provide equipment for said center or centers.

SECTION 2. The powers conferred by this act to take, purchase or otherwise acquire property may be exercised by the selectmen, and the powers conferred thereby to use, maintain and operate any portion of the property so acquired as a wharf and common landing place or as a recreation center or centers may be exercised by the selectmen who shall also have power to make rules and regulations governing such use, subject, however, to such rules and regulations as the town may fix by vote.

SECTION 3. For the purpose of meeting the expenses incurred by the town of Hull under this act, said town may borrow from time to time within a period of five years from the passage of this act such sums as may be necessary, not exceeding, in the aggregate, one hundred and thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Hull Wharf and Recreation Center Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be inside the statutory limit and shall, except as herein provided, be subject to chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 4. This act shall take effect upon its passage.

Approved February 19, 1941.

AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO EXPEND CERTAIN FUNDS FOR THE INSTALLATION OF NEW PUMPS AT ITS WATER PUMPING STATION. *Chap. 22*

Be it enacted, etc., as follows:

SECTION 1. The town of Rockport is hereby authorized to expend from its Special Water Loan Account not more than twelve thousand dollars for the purpose of installing new pumps at its water pumping station, notwithstanding the provisions of section twenty of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.
Approved February 21, 1941.

AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO BORROW MONEY FOR THE PURPOSE OF MAKING NECESSARY ALTERATIONS AND IMPROVEMENTS OF ITS TOWN HALL BUILDING. *Chap. 23*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making necessary alterations to, and improvements at, its town hall building, the town of Winchester may borrow from time to time, within a period of three years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Winchester Town Hall Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, inclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.
Approved February 21, 1941.

AN ACT AUTHORIZING THE CITY OF WORCESTER TO BORROW MONEY FOR THE PURPOSE OF CONSTRUCTING A MUNICIPAL AIRPORT. *Chap. 24*

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester may, within a period of five years from the passage of this act, incur indebtedness for the construction of a municipal airport, either within or without the city, and may issue bonds or notes therefor, which shall bear on their face the words, Worcester Municipal Airport Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years from their dates, but no loan shall be authorized under this act unless a sum equal

to an amount not less than ten per cent of the loan so authorized is voted for the same purpose to be provided from taxes or other sources of revenue of the year when authorized. Indebtedness incurred under this act shall be in excess of the amount authorized by chapter two hundred and eleven of the Special Acts of nineteen hundred and sixteen, as amended by chapter one hundred and thirty-eight of the acts of nineteen hundred and twenty, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the first paragraph of section seven of said chapter.

SECTION 2. This act shall take effect upon its passage.
Approved February 21, 1941.

Chap. 25 AN ACT CONCERNING JUDICIAL DETERMINATION OF RIGHTS TO EXERCISE POWERS OF SALE TO FORECLOSE REAL ESTATE MORTGAGES IN WHICH SOLDIERS OR SAILORS MAY BE INTERESTED.

Emergency
preamble.

Whereas, Numerous soldiers and sailors absent from the commonwealth on military service of the United States own mortgaged real estate and there is serious danger that mortgages on their properties may be foreclosed without adequate notice to them, and it is necessary for their protection that this act immediately go into operation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. In any proceeding in equity, for authority to exercise a power of sale contained in a mortgage of real estate, brought because of an Act of Congress known as the Soldiers' and Sailors' Civil Relief Act of 1940, or any amendments thereto hereafter enacted, notice may be issued in substantially the following form by the court in which such proceeding is pending, returnable on any convenient date, irrespective of the return days otherwise prescribed by law or rule, and requiring all appearances and answers to be filed on or before the return day: —

COMMONWEALTH OF MASSACHUSETTS

.....Court
....., ss. In Equity

To (insert the names of all defendants named in the bill) and to all whom it may concern.

.....has filed with said court a bill in equity for authority to exercise the power of sale contained in a mortgage of real estate situated (insert name of city or town and also, if stated in mortgage, the street and number) given by (insert names of parties, date and reference to record).

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 and you object to the foreclosure of said mortgage, you or your attorney should file a written appearance and answer in said court at..... on or before....., or you may be forever barred

(Return Day)

from claiming that a foreclosure sale made under such authority is invalid under said act.

WITNESS....., Esquire, Judge of said Court, this.....day of....., 19.....

The recording of a copy of said notice in the registry of deeds of the district where the real estate lies, the publication of a copy thereof once not less than twenty-one days before the return day in a newspaper designated by the court, and the mailing of a copy thereof by registered mail not less than fourteen days before the return day to each defendant named in the bill, shall be sufficient service of said notice, unless the court otherwise orders.

SECTION 2. A sale made pursuant to authority granted in such proceedings may be approved by the court but not until after the expiration of the period for appeal from the order authorizing the sale. There shall be no appeal from or review of such approval.

The period of thirty days within which a copy of the notice of sale and an affidavit are required to be recorded by section fifteen of chapter two hundred and forty-four of the General Laws shall, in case such a proceeding has been had, be computed from the time the court approves the sale rather than from the time of the sale as provided in said section.

A copy of the order authorizing the sale and the approval thereof may be recorded in the registry of deeds of the district where the real estate lies, and shall be conclusive evidence of compliance with the provisions of said Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto, insofar as the court has power to determine the same, as against all persons, except that such copy shall not be conclusive evidence of such compliance against persons whose interests appeared of record prior to the recording of the notice of said proceeding unless they were named as defendants or had notice of said proceeding.

Approved February 21, 1941.

- Chap. 26* AN ACT REPEALING CERTAIN PROVISIONS OF LAW RELATIVE TO THE APPOINTMENT OF A SPECIAL OFFICER BY THE TOWN OF NANTUCKET TO ENFORCE THE PROVISIONS OF LAW RELATING TO THE PROTECTION OF BIRDS ON THE ISLAND OF MUSKEGET, THEIR EGGS AND YOUNG.

Be it enacted, etc., as follows:

Section five of chapter four hundred and forty-two of the acts of eighteen hundred and ninety-five is hereby repealed.

Approved February 21, 1941.

- Chap. 27* AN ACT PROVIDING FOR THE DESIGNATION OF A DEPUTY RECORDER OF THE LAND COURT TO PERFORM THE DUTIES OF THE RECORDER IN CERTAIN CASES WHEN NEITHER THE RECORDER NOR THE CHIEF TITLE EXAMINER IS AVAILABLE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 185, § 12, amended.

Deputy recorders, when to act.

Section twelve of chapter one hundred and eighty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence:— In case of absence, sickness or disability of both the recorder and the chief title examiner, any deputy recorder appointed under section six, who is designated for the purpose by the judge by a writing filed in the recorder's office, shall perform all of the official duties of the recorder.

Approved February 21, 1941.

- Chap. 28* AN ACT RELATIVE TO THE CONCURRENT JURISDICTION OF THE SUPREME JUDICIAL AND SUPERIOR COURTS WITH RESPECT TO BANKS AND BANKING.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 213, § 1A, amended.

Concurrent jurisdiction of superior court.

Section one A of chapter two hundred and thirteen of the General Laws, inserted by section one of chapter two hundred and fifty-seven of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out, in the sixteenth line, the words "chapter one hundred and sixty-seven" and inserting in place thereof the words:— chapters one hundred and sixty-seven, one hundred and sixty-eight and one hundred and seventy-two, — so as to read as follows:— *Section 1A.* The superior court shall have original jurisdiction, concurrently with the supreme judicial court, of all proceedings relating to habeas corpus, certiorari, quo warranto and informations in the nature of a quo warranto, mandamus (except a writ of mandamus to a court or a judicial officer), and also of all matters relating to the dissolution of corporations, and of all cases and matters of equity of which the supreme judicial court has had exclusive original jurisdiction under section two of chapter two hundred and fourteen or otherwise, other than cases arising under the statutes relating to insolvency of which general superin-

tendence and jurisdiction are given to it by those statutes, or arising under section five of chapter twenty-five, relating to the department of public utilities, or under section thirteen of chapter fifty-eight A, relating to the appellate tax board, or under chapters one hundred and sixty-seven, one hundred and sixty-eight and one hundred and seventy-two, relating to banks and banking, or under paragraph (F) of section twelve of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as amended by section five of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-seven, relating to the milk control board.

Approved February 21, 1941.

AN ACT REPEALING CERTAIN PROVISIONS OF LAW RELATIVE TO APPROPRIATIONS BY THE CITY OF WORCESTER FOR THE CARE AND IMPROVEMENT OF BOYNTON PARK. Chap. 29

Be it enacted, etc., as follows:

Section two of chapter one hundred and forty-two of the acts of nineteen hundred and three is hereby repealed.

Approved February 21, 1941.

AN ACT FURTHER DEFINING THE PHRASE "HEAVY DUTY PLATFORM TRAILERS" UNDER THE PROVISIONS OF THE MOTOR VEHICLE LAWS. Chap. 30

Be it enacted, etc., as follows:

Section one of chapter ninety of the General Laws, as amended, is hereby further amended by striking out, in the fifth line of the paragraph defining "Heavy duty platform trailer", as appearing in section one of chapter three hundred and fifty-four of the acts of nineteen hundred and thirty-nine, the word "twenty-four" and inserting in place thereof the word: — thirty-six, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 90, § 1, etc., amended.

"Heavy duty platform trailer", a vehicle especially constructed for transporting machinery, contractors' equipment, or other heavy or clumsy units. The top surface of the deck or platform of such a vehicle shall not be more than thirty-six inches above the surface on which the wheels of the vehicle rest.

"Heavy duty platform trailer", term defined.

Approved February 24, 1941.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO LEASE TO THE TOWN OF PLYMOUTH CERTAIN PROPERTY. Chap. 31

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth, acting in the name and on behalf of said county, may lease to the town of Plymouth for use by said town for dump purposes approximately eight and one half acres of

the county farm property of said county. Such lease shall be for a term not exceeding fifty years and shall be subject to such conditions as may be mutually agreed upon by the said parties, and the said town may, if authorized by vote at an annual town meeting, become party to such lease.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1941.

Chap. 32 AN ACT DESIGNATING THE PUBLIC BEACH BORDERING CHARLES RIVER IN THE TOWN OF WATERTOWN AS THE CLARENCE W. DEALTRY MEMORIAL BEACH.

Be it enacted, etc., as follows:

SECTION 1. The beach under the supervision of the metropolitan district commission located along the Charles river in the town of Watertown is hereby designated and shall be known as the Clarence W. Dealtry Memorial Beach.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1941.

Chap. 33 AN ACT MAKING AN APPROPRIATION FOR EXPENDITURE BY THE GOVERNOR'S COMMITTEE ON PUBLIC SAFETY FOR CLERICAL AND OTHER SERVICES AND EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. The sum of seventy-five hundred dollars, for expenditure by the governor's committee on public safety for clerical and other services and expenses, is hereby appropriated from the general fund or revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, in advance of final action on the general appropriation bill, pursuant to a recommendation of the governor to that effect in his inaugural address. Persons employed by said committee shall not be subject to the civil service laws or the rules and regulations made thereunder.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1941.

Chap. 34 AN ACT AUTHORIZING THE TOWN OF MEDFIELD TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of completing, or building an addition to, the new high school building and of originally equipping and furnishing the same, the town of Medfield may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, ninety-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Medfield School Building

Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1941.

AN ACT PROVIDING THAT THE SELECTMEN SHALL ACT AS A Chap. 35
BOARD OF SEWER COMMISSIONERS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and fifty of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section three and inserting in place thereof the following section: — *Section 3.* The selectmen shall act as a board of sewer commissioners. Whenever the phrase “said board of sewer commissioners”, “said board”, “the board of sewer commissioners”, “the board” or “the sewer commissioners” occurs in this act, it shall mean the selectmen acting as a board of sewer commissioners.

SECTION 2. Section five of said chapter three hundred and fifty is hereby repealed.

SECTION 3. The terms of all the members of the existing board of sewer commissioners in the town of Saugus shall terminate upon the date of acceptance of this act under the provisions of section four, whereupon all the powers, duties and obligations of said board of sewer commissioners shall be transferred to and imposed upon the selectmen who shall act as a board of sewer commissioners as provided in section one.

SECTION 4. This act shall be submitted for acceptance to the town meeting members of the town of Saugus at a special town meeting to be called for the purpose in the current year under an article which the selectmen of said town are hereby directed to insert in the warrant for such meeting, and shall take full effect in said town upon its acceptance by a majority of the town meeting members voting thereon, but not otherwise.

Approved February 27, 1941.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE COM- Chap. 36
PENSATION OF CERTAIN FIDUCIARIES AS BETWEEN PRIN-
CIPAL AND INCOME.

Be it enacted, etc., as follows:

Section sixteen of chapter two hundred and six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence: — Such compensation may be apportioned between principal and income as the court may determine, —

G. L. (Ter.
Ed.), 206,
§ 16, amended.

Compensa-
tion and
expenses of
executor, etc.

so as to read as follows:— *Section 16.* An executor, administrator, guardian, conservator or trustee shall be allowed his reasonable expenses incurred in the execution of his trust, and shall have such compensation for services as the court may allow. Such compensation may be apportioned between principal and income as the court may determine.

Approved February 27, 1941.

Chap. 37 AN ACT AUTHORIZING THE ANNEXATION BY THE CITY OF FITCHBURG OF A PART OF THE CITY OF LEOMINSTER, AND AUTHORIZING THE ANNEXATION BY SAID CITY OF LEOMINSTER OF A PART OF SAID CITY OF FITCHBURG.

Be it enacted, etc., as follows:

SECTION 1. All that part of the city of Leominster, with the inhabitants and estates therein, within the area bounded and described as follows:— Beginning at the northwesterly corner thereof at the present Fitchburg-Leominster boundary line and at the most northeasterly sideline of the Nashua river where it intersects said Fitchburg-Leominster boundary line; thence northeasterly by said Fitchburg-Leominster boundary line and by the Lunenburg-Leominster boundary line as at present existing approximately three thousand four hundred twenty feet to the most northwesterly corner of the "East Yard" of the Boston and Maine Railroad; thence about southeasterly and southerly by the westerly line of said Boston and Maine Railroad layout approximately seven thousand seven hundred fifty feet to a point about one hundred fifty feet easterly of an angle in the easterly sideline of Crawford street, which angle is about two thousand feet northerly of the northerly intersection of Crawford street and Hamilton street in Leominster; thence about westerly approximately one hundred fifty feet to the angle in Crawford street above mentioned; thence about northwesterly in a straight line about three thousand nine hundred forty feet, more or less, to the easterly sideline of the Nashua river; thence about northwesterly and northerly by said easterly sideline of said Nashua river about four thousand seven hundred seventy-five feet to the point of beginning, is hereby set off from the city of Leominster and annexed to the city of Fitchburg.

SECTION 2. All that part of the city of Fitchburg, with the inhabitants and estates therein, within the area bounded and described as follows:— Beginning at a point where the boundary lines of the city of Fitchburg and the town of Westminster intersect with the northwesterly boundary line of the city of Leominster; thence about northerly approximately seventeen hundred fifty feet to the southerly sideline of the layout of the state highway known as Route two; thence in a generally easterly direction by the southerly line of said layout of said state highway to the intersection of said southerly sideline of said Route two with the westerly

line of the layout of the Fifth Massachusetts Turnpike, so called; thence by the westerly line of said layout of said Fifth Massachusetts Turnpike, so called, to the Fitchburg-Leominster boundary line where said Fifth Massachusetts Turnpike, so called, intersects said boundary line; thence in a generally southwesterly and westerly direction along said Fitchburg-Leominster boundary line to the point of beginning, is hereby set off from the city of Fitchburg and annexed to the city of Leominster.

SECTION 3. This act shall take full effect upon its acceptance by vote of the city council, with the approval of the mayor, of said city of Fitchburg and of said city of Leominster.

Approved February 27, 1941.

AN ACT REGULATING THE CERTIFICATION OF NAMES FOR PROMOTION FROM THE RESERVE TO THE REGULAR FIRE FORCE IN CERTAIN CITIES. Chap. 38

Be it enacted, etc., as follows:

Chapter thirty-one of the General Laws is hereby amended by striking out section nineteen A, as amended by section twenty-four of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 19A.* In each city in which there has been established a reserve force of firemen in its fire department under the provisions of sections fifty-nine B to fifty-nine D, inclusive, of chapter forty-eight, appointments to the regular force shall be made by the appointing authority upon certification by the director from the list of members of the reserve force of firemen, in accordance with the rules of the commission, except that the basis of certification shall be the order of appointment to the reserve force, or, if not ascertainable, the order of the respective ratings of such members obtained in the examination upon which the list of eligibles for appointment to such reserve force was based. No person who has passed his fiftieth birthday shall be appointed from such a reserve force to such a regular force.

Approved February 27, 1941.

G. L. (Ter. Ed.), 31, § 19A, etc., amended.

Appointments to regular fire forces in certain cities.

AN ACT REGULATING THE CERTIFICATION OF NAMES FOR PROMOTION FROM THE RESERVE TO THE REGULAR POLICE FORCE IN CERTAIN CITIES AND TOWNS. Chap. 39

Be it enacted, etc., as follows:

Chapter thirty-one of the General Laws is hereby amended by striking out section twenty A, as amended by section twenty-six of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 20A.* In each city and town subject to section twenty in which there has been established a reserve police force, appointments to the regular force shall be made by the appointing authority upon

G. L. (Ter. Ed.), 31, § 20A, etc., amended.

Appointments to regular police forces.

certification by the director from the list of members of the reserve police force in accordance with the rules of the commission, except that the basis of certification shall be the order of appointment to the reserve force, or, if not ascertainable, the order of the respective ratings of such members obtained in the examination upon which the list of eligibles for appointment to such reserve force was based. No person who has passed his fiftieth birthday shall be appointed from such a reserve force to such a regular force.

Approved February 27, 1941.

Chap. 40 AN ACT FURTHER EXTENDING THE PERIOD OF OPERATION OF A CERTAIN LAW MODIFYING THE REQUIREMENTS FOR INVESTMENTS IN REAL ESTATE MORTGAGES BY BANKING INSTITUTIONS.

Be it enacted, etc., as follows:

Section two of chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-six, as most recently amended by chapter ninety-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the third line, the word "forty-one" and inserting in place thereof the word:— forty-five, — so as to read as follows:— *Section 2.* This act shall become in-operative after December thirty-first, nineteen hundred and forty-five, but this section shall not affect any mortgage taken under section one on or before said date.

Approved February 27, 1941.

Chap. 41 AN ACT AUTHORIZING THE TOWN OF PLAINVILLE TO CONSTRUCT, EQUIP AND MAINTAIN A CERTAIN BUILDING ON CERTAIN LAND WITHIN THE LIMITS OF PLAINVILLE TOWN PARK, SO CALLED, IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Plainville is hereby authorized, notwithstanding any limitation contained in chapter forty-five of the General Laws, to build, equip and maintain, a building for town office and fire station purposes, or for fire station purposes only, covering an area of not more than nine thousand square feet on the ground, within the limits of Plainville town park, so called, in said town. Said building shall be so located as to interfere as little as possible with the use for recreational or athletic purposes of any part of the park area then so used.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1941.

AN ACT AUTHORIZING THE CITY OF QUINCY TO CONVEY OR
RELEASE CERTAIN LANDS OWNED BY SAID CITY. Chap. 42

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy is hereby authorized to convey or release by deed or other instrument of conveyance so much of the land acquired by it, on or about April seventeenth, nineteen hundred and thirty-nine, for a parking area as, by vote of its city council subject to the approval of its mayor, may be deemed no longer necessary for public uses.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1941.

AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR THE HOLDING
IN SAID TOWN OF THE STATE CONVENTION OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES. Chap. 43

Be it enacted, etc., as follows:

SECTION 1. The town of Greenfield may appropriate a sum not exceeding two thousand dollars for the purpose of providing proper facilities for public entertainment at the time of the state convention of the Veterans of Foreign Wars of the United States, to be held in said town during the current year, and of paying the expenses incidental to such entertainment. Money so appropriated shall be expended under the direction and control of the selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1941.

AN ACT PROVIDING THAT MINORS MAY PETITION FOR ADOPTION OF THEIR NATURAL CHILDREN. Chap. 44

Be it enacted, etc., as follows:

Section one of chapter two hundred and ten of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the first sentence the following new sentence:— A minor may likewise petition, or join in the petition of his or her wife or husband, for the adoption of a natural child of such minor.

G. L. (Ter. Ed.), 210, § 1, amended.

Petition for adoption in certain cases.

Approved February 28, 1941.

AN ACT PROVIDING FOR NOTICE TO CERTAIN GUARDIANS AND CONSERVATORS OF APPLICATIONS FOR EXEMPTION FROM GIVING SURETIES ON CERTAIN BONDS. Chap. 45

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and five of the General Laws, as appearing in the Tercentenary Edi-

G. L. (Ter. Ed.), 205, § 4, amended.

Exemption of
executor, etc.,
from giving
sureties.

tion, is hereby amended by striking out, in the seventh line, the words "guardian of any minor" and inserting in place thereof the words:— guardian or conservator of any person under disability, — so as to read as follows:— *Section 4.* An executor shall be exempt from giving a surety on his bond if the testator has ordered or requested such exemption or that no bond be required, and an executor, administrator or an administrator with the will annexed shall be so exempt if all the persons interested in the estate of full age and legal capacity, other than creditors, certify to the probate court their consent thereto; but not until all creditors of the estate, and the guardian or conservator of any person under disability interested therein, have been notified and have had opportunity to show cause against the same. The probate court may, however, upon or after the granting of letters testamentary or letters of administration require bond, with sufficient sureties, and failure to furnish the same within such time as the court orders shall constitute a declination of or a resignation from the trust.

G. L. (Ter.
Ed.), 205, § 5,
amended.

SECTION 2. Section five of said chapter two hundred and five, as so appearing, is hereby amended by striking out, in the sixth line, the words "guardian of any minor" and inserting in place thereof the words:— guardian or conservator of any person under disability, — so as to read as follows:— *Section 5.* A testamentary guardian and a trustee under a will shall be exempt from giving sureties on his bond, if the testator has ordered or requested such exemption, or that no bond be required, or in case of a trustee, if all the persons beneficially interested in the trust, of full age and legal capacity, other than creditors, request such exemption; but not until the guardian or conservator of any person under disability interested therein and such other persons as the court orders have been notified and had opportunity to show cause against the same. The probate court may, however, at any time require such guardian or trustee, or a trustee appointed by the probate court, to give a bond with sureties. The court may, with or without notice, exempt a trustee under a will holding property for public charitable purposes from giving surety on his bond.

Approved February 28, 1941.

Exemptions
of certain
guardians and
trustees.

Chap. 46 AN ACT RELATIVE TO CERTAIN PUBLIC FUNDS OF COUNTY OFFICIALS IN CLOSED BANKS.

Be it enacted, etc.; as follows:

SECTION 1. After an appropriation has been made therefor, the county treasurer of any county shall, with the approval of a majority of the county commissioners, pay to each official whose books and accounts show a deficit due to funds on deposit in any closed bank, a sum equal to said deficit as evidenced by proof of claim or other evidence satisfactory to such treasurer and county commissioners,

said sum to be accounted for by such treasurer as required by law.

SECTION 2. Any official to whom such payment is made shall thereupon assign to the county any proof of claim against any such bank and, if thereafter any further payments are made on account of such proof of claim, said treasurer shall receive and credit the same to the general funds of the county.

SECTION 3. Sufficient funds to carry out the purposes of this act shall be included in the county appropriation act of the current year and any amounts due to any county out of such funds shall be included in the estimated receipts of such county for said year. *Approved February 28, 1941.*

AN ACT DEFINING, AND AUTHORIZING THE USE OF, A SYSTEM OF PLANE CO-ORDINATES FOR DESIGNATING AND STATING POSITIONS OF POINTS ON THE SURFACE OF THE EARTH WITHIN THE COMMONWEALTH.

Chap. 47

Be it enacted, etc., as follows:

Chapter ninety-seven of the General Laws is hereby amended by adding at the end the six following new sections:— *Section 8.* The system of plane rectangular co-ordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the commonwealth shall be known and designated as the “Massachusetts co-ordinate system”, hereinafter and in the five following sections referred to as said system.

G. L. (Ter. Ed.), 97, new §§ 8–13, added. “Massachusetts co-ordinate system” defined.

For the purposes of the use of said system the commonwealth is hereby divided into a mainland zone and an island zone.

The area now included in the following counties shall constitute the mainland zone:— Barnstable, Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk and Worcester.

Mainland zone.

The area now included in the counties of Dukes county and Nantucket shall constitute the island zone.

Island zone.

Section 9. As established for use in the mainland zone, said system shall be named, and in any land description in which it is used it shall be designated, the “Massachusetts co-ordinate system, mainland zone”.

Zones, how designated.

As established for use in the island zone, said system shall be named, and in any land description in which it is used it shall be designated, the “Massachusetts co-ordinate system, island zone”.

Section 10. The plane rectangular co-ordinates of a point on the earth’s surface, to be used in expressing the position or location of such point in the appropriate zone of said system, shall consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the “x-co-ordinate”, shall give the position in an east-west

Co-ordinates defined.

direction; the other to be known as the "y-co-ordinate", shall give the position in a north-south direction. Such co-ordinates shall be referred to the appropriate origin as defined in section eleven, and shall be made to depend upon and conform to the plane rectangular co-ordinates of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the commonwealth, as these co-ordinates have been determined by said survey.

Definitions.

Section 11. For the purpose of more precisely defining said system, the following definition by the United States Coast and Geodetic Survey is hereby adopted:

The Massachusetts Co-ordinate System, Mainland Zone, consists of a Lambert conformal projection of the Clarke spheroid of eighteen hundred and sixty-six, having the standard parallels at north latitudes forty-one degrees forty-three minutes and forty-two degrees forty-one minutes, along which parallels the scale shall be exact. The origin of co-ordinates for this zone is at the intersection of the meridian seventy-one degrees thirty minutes west longitude and the parallel forty-one degrees no minutes north latitude. This origin is given the co-ordinates:

$$x = 600,000 \text{ feet; } y = 0 \text{ feet.}$$

The Massachusetts Co-ordinate System, Island Zone, consists of a Lambert conformal projection of the Clarke spheroid of eighteen hundred and sixty-six, having the standard parallels at north latitudes forty-one degrees seven minutes and forty-one degrees twenty-nine minutes, along which parallels the scale shall be exact. The origin of co-ordinates for this zone is at the intersection of the meridian seventy degrees thirty minutes west longitude and the parallel forty-one degrees no minutes north latitude. This origin is given the co-ordinates:

$$x = 200,000 \text{ feet; } y = 0 \text{ feet.}$$

The position of said system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the North American datum of nineteen hundred and twenty-seven, and whose plane co-ordinates have been computed on the system herein defined. Any such station may be used for establishing a survey connection with said Massachusetts co-ordinate system.

Section 12. The use of the term "Massachusetts co-ordinate system" on any map, report of survey, or deed or other document, shall be limited to co-ordinates based on the Massachusetts co-ordinate system as defined in section eleven.

Section 13. For the purpose of describing the location of any survey station or land boundary point in the common-

Use of term
"Massachu-
setts co-
ordinate
system"
regulated.

System may
be used in
describing
locations.

wealth it shall be a complete, legal and satisfactory description of such location to give the position of said survey station or land boundary point on the Massachusetts coordinate system. Nothing contained in sections eight to thirteen, inclusive, shall be interpreted as requiring any purchaser or mortgagee to rely exclusively on a description based on said system. *Approved February 28, 1941.*

AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO PROVIDE ADDITIONAL ACCOMMODATIONS FOR THE DISTRICT COURT OF SOMERVILLE. *Chap. 48*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing adequate court house accommodations for the district court of Somerville, the county commissioners of the county of Middlesex may make additions to and alterations in the district court house at Somerville, and may furnish and equip said court house as so enlarged or altered.

SECTION 2. For the purpose of meeting the expenses authorized under section one, the county treasurer of said county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, but not exceeding, in the aggregate, thirty thousand dollars, and may issue temporary notes of the county therefor, payable in not more than one year from their date or dates of issue.

SECTION 3. Upon completion of the project herein authorized, the county treasurer shall, with the approval of the county commissioners, issue bonds or notes of the county, in a total amount not to exceed thirty thousand dollars, which shall bear on their face the words, Middlesex County Court House Loan, Act of 1941; and such bonds or notes shall be payable in not more than five years from their dates of issue. Such bonds or notes shall be signed by the treasurer of said county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Receipts from the sale of such bonds or notes shall be applied to the payment of costs of construction and to the payment of any temporary loans authorized under section two, or to either of such purposes. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 4. This act shall take full effect upon its acceptance, during the current year, by the county commissioners of said county, but not otherwise.

Approved February 28, 1941.

Chap. 49 AN ACT RELATIVE TO THE POSITION OF INSPECTOR OF PLUMBING IN THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, § 4, amended.

Section four of chapter thirty-one of the General Laws is hereby amended by striking out the paragraph contained in the nineteenth line, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:—

Inspectors of plumbing.

Inspectors of plumbing;

Approved February 28, 1941.

Chap. 50 AN ACT ELIMINATING THE REQUIREMENT THAT CERTAIN CERTIFICATES RELATING TO BIRTHS, MARRIAGES AND DEATHS SHALL STATE THE PROVISION OF LAW UNDER WHICH SUCH CERTIFICATES ARE ISSUED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 46, § 13, etc., amended.

Section thirteen of chapter forty-six of the General Laws, as amended, is hereby further amended by striking out, in the thirty-seventh and thirty-eighth lines, as appearing in the Tercentenary Edition, the words “, and shall state that the certificate is issued under this section”, — so that the fourth paragraph, as so appearing, will read as follows:—

Amendment of certain records.

He shall file any affidavit, certified copy of such decree or copy of record submitted under this section and record it in a separate book kept therefor, with the name and residence of the deponent or the facts of such decree and the date of the original record, and shall thereupon draw a line through any statement, or statements, sought to be corrected or amended in the original record, without erasing them, shall enter upon the original record the facts required to correct, amend or supplement the same in accordance with such affidavit or decree, including, in case of a decree of adoption, the same facts relative to the adopting parents as are required in a record of birth by the provisions of section one relative to natural parents, and forthwith, if a copy of the record has been sent to the state secretary, shall forward to the state secretary a certified copy of the corrected, amended or supplemented record upon blanks to be provided by him, and the state secretary shall thereupon correct, amend or supplement the record in his office. Reference to the record of the affidavit or such decree shall be made by the clerk on the margin of the original record. If the clerk furnishes a copy of such a record, he shall certify to the facts contained therein as corrected, amended or supplemented; except that the clerk shall, upon proper judicial order, or when requested by a person seeking his own birth record, or by a person whose official duties, in the opinion of the clerk, entitle him to the information contained in the original record, furnish a copy of such original record. Such

affidavit, or a certified copy of the record of any other town or of a written statement made at the time by any person since deceased required by law to furnish evidence thereof, may, in the discretion of the clerk, be made the basis for the record of a birth, marriage or death not previously recorded, and such copy of record may also be made the basis for completing the record of a birth, marriage or death not containing all the required facts.

Approved February 28, 1941.

AN ACT REQUIRING RECORDS OF DEATH OF WAR VETERANS TO STATE THE WAR IN WHICH SUCH VETERAN SERVED. *Chap. 51*

Be it enacted, etc., as follows:

Section one of chapter forty-six of the General Laws, as amended by section one of chapter two hundred and eighty of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "any" in the twenty-seventh line, as appearing in the Tercentenary Edition, the words: —, and if deceased served in the army, navy or marine corps of the United States in any war in which it has been engaged, a designation of said war, — so that the fourth paragraph, as so appearing, will read as follows:—

G. L. (Ter. Ed.), 46, § 1, etc., amended.

In the record of deaths, date of record, date of death, name of deceased, sex, color, condition (whether single, widowed, married or divorced), supposed age, residence, occupation, place of death, place of birth, names and places of birth of the parents, maiden name of the mother, disease or cause of death, defined so that it can be classified under the international classification of causes of death, place of burial, name of the cemetery, if any, and if deceased served in the army, navy or marine corps of the United States in any war in which it has been engaged, a designation of said war, and if deceased was a married or divorced woman or a widow, her maiden name and the name of her husband. The word "residence", as used in this section, shall be held to include the name of the street and number, if any, of the house.

Death records of war veterans to state war in which veteran served.

Approved February 28, 1941.

AN ACT RELATIVE TO THE QUALIFICATION OF APPLICANTS FOR REGISTRATION AS PHARMACISTS. *Chap. 52*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twelve of the General Laws is hereby amended by striking out section twenty-four, as most recently amended by section one of chapter three hundred and forty-three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 24.* A person who desires to do business as a pharmacist shall, upon payment of five dollars to the board of registration in pharmacy, herein and in sec-

G. L. (Ter. Ed.), 112, § 24, etc., amended.

Examination and registration of pharmacists.

tions twenty-five to forty-two, inclusive, called the board, be entitled to examination; provided, that he shall have been graduated from a school or college of pharmacy approved by the board and the commissioner of education. If any such person is found qualified on examination, he shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of the board. Any person failing to pass such examination shall upon request be re-examined, after the expiration of three months, at any regular meeting of the board, upon payment of five dollars. The board may grant certificates of registration as assistants after examination upon the terms above named, and such certificates shall entitle the holder thereof to all the privileges of a registered pharmacist during the temporary absence of the latter, which absence shall be not more than six hours in any one period of twenty-four consecutive hours; provided, that, upon application to the board, such an assistant may be permitted to exercise the privileges of a registered pharmacist for such further period as the board shall determine. No such certificate as assistant shall allow the holder thereof to engage in the drug business on his own account or as a manager to conduct a pharmacy or drug store. The board may grant certificates of registration to such persons as shall furnish with their applications satisfactory proof that they have been registered by examination in some other state; provided, that such other state shall require a degree of competency equal to that required of applicants in this commonwealth. Every such applicant for registration as a registered pharmacist shall pay to the secretary of the board twenty-five dollars at the time of filing his application. No such certificate shall be granted until the person applying therefor shall have signified his intention of acting under the same in this commonwealth. No certificate shall be granted under this section unless the applicant shall have submitted evidence satisfactory to the board that he is a citizen of the United States.

Effective
date.

SECTION 2. This act shall take effect on January first, nineteen hundred and forty-five.

Approved February 28, 1941.

Chap. 53 AN ACT RELATIVE TO CHANGES OF LOCATION BY RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 160.
§ 85, amended.

Direction of
road may
be varied.

Section eighty-five of chapter one hundred and sixty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "railroad" in the fourth line the words:— or for any other lawful purpose,— so as to read as follows:— *Section 85.* A railroad corporation, with the written approval of the department, obtained upon petition, and after notice to all persons interested, and a hearing, may, for the purpose of

improving the alignment of its railroad or for any other lawful purpose, change its location, subject to the provisions of this chapter relative to the fixing of the route of railroads, and may take land for such new location by eminent domain under chapter seventy-nine.

Approved February 28, 1941.

AN ACT PROHIBITING UNLAWFUL INJURY TO OR INTERFERENCE WITH THE TRACKS, OR UNLAWFUL INJURY TO, INTERFERENCE WITH, OR UNLAWFUL OPERATION OF THE CARS, OF RAILROAD CORPORATIONS.

Chap. 54

Be it enacted, etc., as follows:

Section one hundred and three of chapter one hundred and fifty-nine of the General Laws, as most recently amended by chapter ten of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the article "a" in the ninth line the words:—railroad corporation or,—so as to read as follows:—*Section 103.* Whoever unlawfully and intentionally injures, molests or destroys any signal of a railroad corporation or railway company, or any line, wire, post or other structure or mechanism used in connection with such signal, or prevents or in any way interferes with the proper working of such signal, or whoever unlawfully and intentionally injures, molests, meddles or tampers with or destroys a track or car or any part, appliance or appurtenance thereof, of a railroad corporation or railway company, or the mechanism or apparatus used in the operation of any such car, or whoever without right operates any such car or any mechanism or appliance thereof, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years, or both.

G. L. (Ter. Ed.), 159, § 103, etc., amended.

Injury to signals, etc.

Approved February 28, 1941.

AN ACT AUTHORIZING THE PLACING UNDER THE CIVIL SERVICE OF THE OFFICES AND POSITIONS OF EMPLOYEES OF THE ELECTRIC LIGHT DEPARTMENT OF THE TOWN OF HULL.

Chap. 55

Be it enacted, etc., as follows:

SECTION 1. The offices and positions of all employees, including the manager, of the electric light department of the town of Hull shall, upon the effective date of this act, become subject to the civil service laws, and the rules and regulations made thereunder. The incumbent of every such office and position on said effective date shall be subjected to a non-competitive qualifying examination for such office or position by the division of civil service of the department of civil service and registration. If such an incumbent passes said examination, he shall be certified for said office or position and shall be deemed to be permanently appointed thereto without serving any probationary period, and his

tenure of office, as well as the tenure of office of any subsequent incumbent of said office or position, shall be unlimited, subject, however, to the provisions of said civil service laws. If such an incumbent does not pass such non-competitive qualifying examination, he may continue to serve in said office or position, but shall not be subject to the provisions of said civil service laws.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Hull at the annual town meeting in the current year in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — “Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled, ‘An Act authorizing the placing under the Civil Service of the offices and positions of employees of the electric light department of the town of Hull,’ be accepted?” If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved February 28, 1941.

Chap. 56 AN ACT AUTHORIZING THE QUESTION OF THE FIXING OF THE TERM OF OFFICE OF THE SELECTMEN OF THE TOWN OF WAKEFIELD TO BE PLACED UPON THE OFFICIAL BALLOT TO BE USED AT THE ANNUAL TOWN MEETING OF NINETEEN HUNDRED AND FORTY-TWO.

Be it enacted, etc., as follows:

There shall be submitted to the registered voters of the town of Wakefield at the annual town meeting in the year nineteen hundred and forty-two the following question, which shall be placed upon the official ballot to be used in the several precincts for the election of town officers at said meeting: — “Shall this town elect at its annual town meeting in the year nineteen hundred and forty-three two selectmen for three years, two for two years and one for one year, and elect at each annual town meeting thereafter in place of those selectmen whose terms are about to expire an equal number of selectmen, each to serve for three years?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes in answer to said question is in the affirmative, said town shall elect at its annual town meeting in the year nineteen hundred and forty-three two selectmen for three years, two for two years and one for one year, and shall elect at each annual town meeting thereafter in place of those selectmen whose terms are about to expire an equal number of selectmen, each to serve for three years.

Approved February 28, 1941.

AN ACT RELATIVE TO THE SALE WITHIN THE COMMONWEALTH OF ARTICLES OF BEDDING AND UPHOLSTERED FURNITURE MANUFACTURED WITHOUT THE COMMONWEALTH. *Chap. 57*

Be it enacted, etc., as follows:

Section two hundred and seventy D of chapter ninety-four of the General Laws, inserted by chapter three hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby repealed.

G. L. (Ter. Ed.), 94, § 270D, repealed.

Approved February 28, 1941.

AN ACT TO EXTEND THE TIME WITHIN WHICH CITIES AND TOWNS MAY EXPEND MONEY IN COOPERATION WITH THE FEDERAL GOVERNMENT, IN UNEMPLOYMENT RELIEF AND OTHER PROJECTS OF BENEFIT TO SUCH CITIES AND TOWNS, PRIOR TO THE PASSAGE OF THE ANNUAL BUDGET. *Chap. 58*

Be it enacted, etc., as follows:

Chapter one hundred and eighty of the acts of nineteen hundred and thirty-eight is hereby amended by striking out section two and inserting in place thereof the following section: — *Section 2.* This act shall not be operative after July first, nineteen hundred and forty-five.

Approved March 1, 1941.

AN ACT REGULATING CONTAINERS USED IN THE SALE OF CERTAIN COMMODITIES. *Chap. 59*

Be it enacted, etc., as follows:

Chapter ninety-eight of the General Laws is hereby amended by striking out section twenty-two, as amended by section nineteen A of chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 22.* Paper or fibre cartons which are used for the sale by measure of viscous or semi-solid commodities or mixtures of solids and liquids shall contain and shall be sold as containing one gill, one half pint, one pint, one quart, two quarts, one gallon, two and one half gallons, and multiples of the gallon, Massachusetts standard liquid measure. Such cartons shall be of such shape and dimensions as may be approved by the director. Whenever the shape and dimensions of any such carton have been so approved, the director may authorize the manufacturer to have printed thereon a statement of its capacity in terms of Massachusetts standard liquid measure and with such other words and marking as the director may require. Such cartons shall be legal measure only for such commodities as may be designated by the director and shall be exempt from the laws requiring the sealing of measures.

G. L. (Ter. Ed.), 98, § 22, etc., amended.

Cartons for sale of viscous, etc., commodities, regulated.

Approved March 1, 1941.

Chap. 60 AN ACT RELATIVE TO THE LOCATION OF SCALES AND OTHER WEIGHING DEVICES USED IN WEIGHING FOOD SOLD AT RETAIL BY WEIGHT.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 98, new section 56A, inserted.

Scales, etc., used in sale of food, use of, regulated.

Chapter ninety-eight of the General Laws is hereby amended by inserting after section fifty-six, as amended, the following new section:— *Section 56A.* A scale or other weighing device, when used in weighing in the presence of the purchaser food sold at retail by weight, shall be so placed that its weight indications may be accurately read, and the weighing operation observed, by such purchaser.

Approved March 1, 1941.

Chap. 61 AN ACT RELATIVE TO THE CONSENT OF PARENTS AND OTHERS TO THE ADOPTION OF CHILDREN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 210, § 3, amended.

Consent of parents, etc., in certain adoption cases.

Section three of chapter two hundred and ten of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth line, the words "the state prison or in a house of correction" and inserting in place thereof the words:— any penal institution, — and by striking out, in the tenth and in the eleventh lines, the words "two years" and inserting in place thereof, in each instance, the words:— one year, — so as to read as follows:— *Section 3.* The consent of the persons named in the preceding section, other than the child or her husband, if any, shall not be required if the person to be adopted is of full age, nor shall the consent of any such person other than the child be required if such person is adjudged by the court hearing the petition to be hopelessly insane, or is imprisoned in any penal institution in this commonwealth under sentence for a term of which more than three years remain unexpired at the date of the petition; or if he has wilfully deserted and neglected to provide proper care and maintenance for such child for one year last preceding the date of the petition; or if he has suffered such child to be supported for more than one year continuously prior to the petition by an incorporated charitable institution or by a town or by the commonwealth; or if he has been sentenced to imprisonment for drunkenness upon a third conviction within one year and neglects to provide proper care and maintenance for such child; or if such person has been convicted of being a common night walker or a lewd, wanton and lascivious person, and neglects to provide proper care and maintenance for such child. A giving up in writing of a child, for the purpose of adoption, to an incorporated charitable institution shall operate as a consent to any adoption subsequently approved by such institution. Notice of the petition shall be given to the department of

public welfare, if the child is supported by a town or by the commonwealth, and if the child is supported by a town, notice shall also be given to the board of public welfare thereof, and in Boston said notice shall be given both to the overseers of the public welfare in the city of Boston and to the institutions department. *Approved March 1, 1941.*

AN ACT FURTHER PROVIDING FOR THE PAYMENT OF THE ESTIMATED COST FOR THE DRAINAGE OF THE LOW LANDS ADJACENT TO LAKE QUANNAPOWITT IN THE TOWN OF READING. *Chap. 62*

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and fifty-eight of the acts of nineteen hundred and thirty-nine is hereby amended by striking out section four and inserting in place thereof the following:—*Section 4.* The total cost of the work authorized by this act shall not exceed one hundred and twenty-five thousand dollars. The town of Reading shall pay into the state treasury the initial sum of ten thousand dollars, which sum shall constitute a fund for the improvements hereinbefore authorized, and be used, without further appropriation by the general court, in part for the necessary engineering service, surveys and the design of the proposed drainage system, but no construction work under authority of this act shall be commenced until the department shall have held a public hearing, duly advertised, and until there shall have been paid into the state treasury by said town such further sum, which shall be added to said fund, as shall be estimated by the department to be sufficient to cover that part of the cost of such construction to be paid from funds other than those that may be allotted by the federal government for such project; and thereafter there shall be paid into the state treasury by said town from time to time such further sum or sums, which shall be added to said fund, as may be determined by the department to be necessary for such project. Any surplus of said fund remaining after the completion of the work authorized by this act shall be refunded by the state treasurer to said town. Such fund may be expended, without further appropriation by the general court, in co-operation with the federal government in unemployment relief and other projects as may be determined by the department.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1941.

AN ACT AUTHORIZING THE LEASING TO THE UNITED STATES OF AMERICA, FOR NATIONAL DEFENCE PURPOSES, OF CERTAIN AREAS IN CERTAIN STATE FORESTS. *Chap. 63*

Whereas, The deferred operation of this act would tend to defeat its purpose, which, in view of the present national Emergency preamble.

emergency, is to make available at once to the United States of America certain state forest lands and buildings for military uses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

The commissioner of conservation, in the name of the commonwealth and subject to the approval of the governor and council, is hereby authorized to lease to the United States of America, by one or more instruments approved as to form by the attorney general, for defence purposes during the present national emergency only, the camp site, and buildings thereon, now or formerly used by the Civilian Conservation Corps within the limits of the Spencer state forest, and the camp site formerly used by said corps within the limits of the Warwick state forest.

Approved March 8, 1941.

Chap. 64 AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO BORROW MONEY FOR THE PURPOSE OF IMPROVING PLYMOUTH HARBOR.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting the share of the town of Plymouth of the cost of the work of improving Plymouth harbor, by dredging and otherwise, said work to be done by said town itself, or by said town in co-operation with the federal government and the state department of public works, or either of them, the said town of Plymouth may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Plymouth Harbor Improvement Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit, and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1941.

AN ACT REGULATING THE USE OF RECEIPTS FROM THE SALE
BY CITIES AND TOWNS OF FEDERAL SURPLUS COMMODITY
STAMPS. *Chap. 65*

Whereas, It is necessary, in order to comply with the laws Emergency preamble.
relative to the preparation and adoption of budgets, that
the provisions of this act shall become effective immediately,
and as the deferred operation of this act would tend to de-
feat such purpose, therefore this act is hereby declared to
be an emergency law, necessary for the immediate preserva-
tion of the public convenience.

Be it enacted, etc., as follows:

Money received by a city or town from the sale of Federal surplus commodity stamps obtained from the federal government shall be set aside as a separate fund and may be expended, under the direction of the mayor in a city or of the selectmen in a town, or by the person or department designated by the mayor or selectmen, as the case may be, without appropriation, for the purpose of purchasing additional Federal surplus commodity stamps and for no other purpose, notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws; provided, that at such time as a city or town abandons or discontinues the operation of the Federal Surplus Commodity Stamp Plan, so called, any balance then remaining in such fund may be appropriated for public welfare, including in such term old age assistance and aid to dependent children, soldiers' benefits including state aid, military aid, soldiers' burials and soldiers' relief.

Approved March 8, 1941.

AN ACT AUTHORIZING THE TOWN OF NORTH READING TO
BORROW MONEY FOR SCHOOL PURPOSES. *Chap. 66*

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for and constructing a school building and of originally equipping and furnishing such building, the town of North Reading may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, North Reading School Building Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1941.

Chap. 67 AN ACT AUTHORIZING THE CITY OF HAVERHILL TO OFFER A
SUBSTANTIAL REWARD FOR INFORMATION CONCERNING THE
SETTING OF THE TWO RECENT FIRES IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The municipal council of the city of Haverhill, if in its opinion the public good so requires, may offer a suitable reward of not more than five thousand dollars, to be paid by said city to any person who, in consequence of such offer, shall furnish information that shall lead to the arrest and conviction of any person who set or caused to be set either or both of the two fires which occurred in said city on February twenty-seventh of the current year. If more than one claimant applies for the payment of such reward, said council shall determine to whom it shall be paid, and if to more than one person, in what proportion to each, and said determination shall be final.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1941.

Chap. 68 AN ACT PROVIDING THAT VACANCIES IN THE BOARD OF
WATER COMMISSIONERS IN THE TOWN OF HAMILTON SHALL
BE FILLED IN THE MANNER PROVIDED BY GENERAL LAW.

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter one hundred and twenty-two of the acts of nineteen hundred and two is hereby amended by striking out the last sentence, — so as to read as follows:— *Section 11.* Said town shall after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund.

SECTION 2. From and after the effective date of this act, vacancies in the board of water commissioners in the town of Hamilton shall be filled in the manner provided by section eleven of chapter forty-one of the General Laws.

Approved March 8, 1941.

AN ACT PROVIDING FURTHER FOR THE IDENTIFICATION OF CRIMINALS. *Chap. 69*

Be it enacted, etc., as follows:

Section twenty-three of chapter one hundred and twenty-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second and third lines, the words "larceny or any felony" and inserting in place thereof the words:— any crime,— so as to read as follows:— *Section 23.* The officer in charge of a penal institution to which a person is committed under a sentence of imprisonment for any crime shall, unless the court otherwise orders, take or cause to be taken his name, age, height, weight, photograph and general description and copies of his finger prints in accordance with the finger print system of identification of criminals. The court may order to be taken the photograph and the aforesaid description and finger prints of a person convicted of a felony who is not committed to a penal institution. All such photographs and identifying matter shall be transmitted forthwith to the commissioner of public safety.

G. L. (Ter. Ed.), 127, § 23, amended.

Measurements, etc., for identification.

Approved March 8, 1941.

AN ACT RELATIVE TO THE POWERS OF CERTAIN SPECIAL STATE POLICE OFFICERS TO SERVE WARRANTS. *Chap. 70*

Be it enacted, etc., as follows:

Section one hundred and twenty-seven of chapter one hundred and twenty-seven of the General Laws, as amended by chapter seventy-one of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "by" in the sixth line the words:— the governor or, — so as to read as follows:— *Section 127.* The governor, upon the written recommendation of the commissioner, may appoint any agent or employee of the department of correction or any employee of any penal institution a special state police officer for a term of three years, unless sooner removed. Officers so appointed may serve warrants issued by the governor or the parole board and orders of removal or transfer of prisoners issued by the commissioner and warrants issued by any court or trial justice in the commonwealth for the arrest of a person charged with the crime of escape or attempt to escape from a penal institution or from the custody of an officer while being conveyed to or from any such institution, and may perform police duty about the premises of penal institutions.

G. L. (Ter. Ed.), 127, § 127, etc., amended.

Special state police. Powers and duties.

Approved March 8, 1941.

Chap. 71 AN ACT PENALIZING PERSONS WHO FALSELY ASSUME OR PRETEND TO BE INSPECTORS OR INVESTIGATORS OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 268, § 33, etc., amended.

Falsely assuming to be notary public, or certain other officers.

Penalty.

Section thirty-three of chapter two hundred and sixty-eight of the General Laws, as amended by section forty-four of chapter four hundred and forty of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting, in the sixth line, after the word "vehicles" the words: —, or inspector or investigator of the department of public utilities, — so as to read as follows: — *Section 33.* Whoever falsely assumes or pretends to be a justice of the peace, notary public, sheriff, deputy sheriff, medical examiner, associate medical examiner, constable, police officer, probation officer, or examiner or investigator appointed by the registrar of motor vehicles, or inspector or investigator of the department of public utilities, or investigator or other officer of the alcoholic beverages control commission, and acts as such or requires a person to aid or assist him in a matter pertaining to the duty of such officer, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year.

Approved March 8, 1941.

Chap. 72 AN ACT INCREASING THE AMOUNT THAT MAY BE APPROPRIATED BY A TOWN FOR THE ESTABLISHMENT AND MAINTENANCE OF A FREE HOSPITAL BED FOR NEEDY RESIDENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 111, § 74, amended.

Certain towns may appropriate money to be paid to hospitals for reception of certain persons.

Section seventy-four of chapter one hundred and eleven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "five hundred" and inserting in place thereof the words: — one thousand, — so as to read as follows: — *Section 74.* Any town not maintaining or managing a hospital may annually appropriate a sum not exceeding one thousand dollars, to be paid to a hospital established in such town or in the vicinity thereof, for the establishment and maintenance of a free bed in the hospital for the care and treatment of persons certified by the selectmen to be residents of the town and unable to pay for such care and treatment. This section shall not apply to cities.

Approved March 8, 1941.

Chap. 73 AN ACT ELIMINATING THE LIMITATION ON THE TOTAL VALUE OF OUTSTANDING PAID-UP SHARES OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 170, § 12, etc., amended.

Section twelve of chapter one hundred and seventy of the General Laws, as most recently amended by chapter

one hundred and fifty-nine of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the last sentence, — so as to read as follows: — *Section 12.* The capital to be accumulated shall be unlimited and shall be divided into shares of the ultimate value of two hundred dollars each. The shares may be issued in quarterly, half yearly or yearly series, in such amounts and at such times as the board of directors may determine. Shares of a prior series may be issued after a new series, subject to the approval of the board of directors. Paid-up shares may be issued, subject to the approval of the board of directors, each share to have a value of two hundred dollars, which shall be paid by the purchaser when the shares are issued, together with interest from the last distribution of profits at a rate fixed by the directors, but not in excess of the rate distributed to unmatured shares.

Issue of shares.

Approved March 8, 1941.

AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO REIMBURSE CERTAIN COURT OFFICERS OF SAID COUNTY FOR CERTAIN LEGAL EXPENSES INCURRED BY THEM.

Chap. 74

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the county of Middlesex may pay to Frederic F. Clauss, William M. Emerson, Gustavus E. Litchfield, Clarence M. McElroy, Samuel Miller, Frederick T. Peabody, Charles S. Robinson and George H. Stevens, court officers of said county, sums not exceeding, in the aggregate, seven hundred and fifty dollars, in such amounts as may be determined by the county commissioners of said county, to reimburse said court officers, respectively, for expenses incurred by them for counsel fees in an action at law to determine whether or not they were members of the county retirement system of said county, established under authority of law.

SECTION 2. This act shall take full effect upon its acceptance during the current year, by the county commissioners of Middlesex county, but not otherwise.

Approved March 8, 1941.

AN ACT RELATIVE TO THE BORROWING OF MONEY BY CO-OPERATIVE BANKS FOR THE PURPOSE OF MAKING REAL ESTATE LOANS.

Chap. 75

Be it enacted, etc., as follows:

Chapter one hundred and seventy of the General Laws is hereby amended by striking out section forty, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 40.* Such corporation may by a vote of at least three fifths of all its directors, with the

G. L. (Ter. Ed.), 170, § 40, etc., amended.

Borrowing of money.

consent of the commissioner, borrow from any source to meet withdrawals, make loans on the shares of the corporation or to make real estate loans.

As security for a loan made under this section, the corporation may assign and pledge its real estate notes and mortgages and any other securities. Every such loan shall constitute a debt which shall be satisfied, in case of liquidation of the affairs of the corporation, before any distribution of its assets to shareholders.

Approved March 8, 1941.

Chap. 76 AN ACT RELATIVE TO THE METHOD OF LOANING FUNDS BY CO-OPERATIVE BANKS AND TO THE RATE OF INTEREST ON SUCH LOANS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 170, § 23, etc., amended.

Rate of interest on loans.

Chapter one hundred and seventy of the General Laws is hereby amended by striking out section twenty-three, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 23.* The funds accumulated, after due allowance for all necessary expenses and the payment of shares, may be loaned to qualified applicants at a rate of interest fixed by the directors, payable in monthly installments upon the amount loaned, except as otherwise provided in section twenty-eight.

Approved March 8, 1941.

Chap. 77 AN ACT RELATIVE TO THE PROVIDING OF SUITABLE BANK BUILDINGS FOR CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 170, § 39, etc., amended.

Bank buildings.

Section thirty-nine of chapter one hundred and seventy of the General Laws, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the sixth line, the words "five per cent of its dues capital" and inserting in place thereof the words:— two and one half per cent of its share liabilities, — and by striking out, in the ninth line, the words "one per cent of its dues capital" and inserting in place thereof the words:— one half of one per cent of its share liabilities, — so as to read as follows:— *Section 39.* Any such corporation may, with the approval of the commissioner, invest a sum not exceeding its surplus and guaranty fund accounts in the purchase of a suitable site and the erection or preparation of a suitable building for the convenient transaction of its business, but in no case exceeding two and one half per cent of its share liabilities or one hundred thousand dollars. Any such corporation may, with the approval of the commissioner, expend a sum not exceeding one half of one per cent of its share liabilities for alterations in any building

leased by it for the transaction of its business, but in no case exceeding its surplus and guaranty fund accounts.

Approved March 8, 1941.

AN ACT AUTHORIZING THE ELECTION BY THE DIRECTORS OF
THE MUTUAL SAVINGS CENTRAL FUND, INC. OF AN EXECUTIVE VICE PRESIDENT OF SAID CORPORATION, AND AUTHORIZING THE COMMISSIONER OF BANKS TO FURNISH CERTAIN INFORMATION TO SAID CORPORATION. Chap. 78

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter forty-four of the acts of nineteen hundred and thirty-two is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The president and vice presidents, except an executive vice president, shall be elected by and from the directors and the executive vice president, if any, the treasurer and the clerk shall be elected by the directors, — and by inserting after the word “officers” in the forty-sixth line the words: — , including an executive vice president, — so as to read as follows: — *Section 2.* The officers of the corporation shall be a president, one or more vice presidents, a treasurer, a clerk and a board of fifteen directors, each of which directors shall first have qualified as a corporator or officer of a member bank. The president and vice presidents, except an executive vice president, shall be elected by and from the directors and the executive vice president, if any, the treasurer and the clerk shall be elected by the directors. The directors shall be elected by the member banks of and by counties or districts as follows: — two from the county of Essex; two from the county of Middlesex; five from the county of Suffolk; two from a district composed of the counties of Barnstable, Bristol, Dukes county, Nantucket, Norfolk and Plymouth; two from the county of Worcester; one from the county of Hampden and one from a district composed of the counties of Berkshire, Franklin and Hampshire. The first meetings to elect directors shall be held by the member banks of each of said counties or districts upon call as provided in section three. Subsequent meetings shall be held as provided in the by-laws adopted as hereinafter provided. At all meetings each member bank shall be represented by such person as its board of investment shall designate, and each member bank shall have one vote for each ten million dollars or fraction thereof of regular deposits as shown by its latest annual report to the commissioner of banks, hereinafter referred to as the commissioner. At the first election held hereunder the directors shall be elected to serve until the first annual county and district meetings as fixed by said by-laws. At the first annual meetings held under such by-laws, in each county or district entitled to one director, such director shall be elected for a two year term, in each district or county entitled to

two directors, one shall be elected for a one year term and one for a two year term, and thereafter each director shall be elected for a two year term. In the county of Suffolk, at the first annual meeting held under such by-laws, two directors shall be elected for one year terms and three for two year terms, and thereafter each director shall be elected for a two year term. The directors may adopt by-laws for the conduct of the business of the corporation and by such by-laws may provide for and fix the time and place of all meetings of the corporation and of the directors, define the duties of the officers, establish an executive committee of not less than five nor more than seven directors with such powers as the board of directors shall determine, and may provide for such other officers, including an executive vice president, and committees as they deem advisable. The directors may fill vacancies in the board until the next elections. The board of directors shall have full control of the business of the corporation.

SECTION 2. Chapter forty-three of the acts of nineteen hundred and thirty-four is hereby amended by striking out section nine and inserting in place thereof the following: — *Section 9.* The directors of the corporation may make such rules and regulations, subject to the approval of the commissioner, as they may deem necessary in order to carry out the provisions of this act, and for the purposes of this act the commissioner may confer and advise with the directors and may furnish them such information, records, statements and reports of examination or copies thereof, relating to any member bank, as the directors may request.

Approved March 8, 1941.

Chap. 79 AN ACT RELATIVE TO CHARGES AGAINST CONTINGENT FUNDS IN CREDIT UNIONS IN CASE OF DEATH OF BORROWERS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 171, § 19A, etc., amended.

Contingent funds, etc.

Chapter one hundred and seventy-one of the General Laws is hereby amended by striking out section nineteen A, inserted by chapter two hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: — *Section 19A.* The by-laws of a credit union may provide that upon the death of a member who is a borrower by means of a personal loan upon his note, whether or not there are any endorsers or co-makers thereon, but otherwise unsecured, the liability upon such loan shall cease with respect to the unpaid balance of such loan and any loss thereon may be charged to a contingent fund, which fund shall be created and thereafter maintained by such credit union by contributions from undivided earnings, current earnings or from the borrowers, as determined by the board of directors; provided, that the operation of such a provision of the by-laws shall not, in

any calendar year, result in charges to the contingent fund in excess of ten per cent of the guaranty fund in addition to the unexpended balance of contributions by borrowers. Each charge to the contingent fund shall be reported within ten days thereafter to the commissioner, who may make such order regarding the operation of the contingent fund as he may deem advisable. *Approved March 8, 1941.*

AN ACT EXTENDING THE TIME DURING WHICH AN ACT AUTHORIZING THE TOWN OF WRENTHAM TO RECEIVE AND ADMINISTER THE PROPERTY OF THE WRENTHAM CEMETERY CORPORATION MAY BE ACCEPTED BY SAID TOWN. *Chap. 80*

Be it enacted, etc., as follows:

Chapter twenty-five of the acts of nineteen hundred and thirty-nine is hereby amended by striking out section four and inserting in place thereof the following: — *Section 4.* This act shall take full effect upon its acceptance by a majority of the registered voters of the town of Wrentham, voting thereon at any annual town meeting, or at any special town meeting called for the purpose, held prior to the year nineteen hundred and forty-seven.

Approved March 8, 1941.

AN ACT AUTHORIZING THE ISSUANCE BY THE LICENSING AUTHORITY OF ANY CITY OR TOWN OF SPECIAL LICENSES TO PERSONS NOT INHABITANTS THEREOF TO BE AUCTIONEERS THEREIN IN THE CASE OF THE CONDUCT OF CERTAIN SALES. *Chap. 81*

Be it enacted, etc., as follows:

Chapter one hundred of the General Laws is hereby amended by striking out section two, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 2.* The licensing authority of any town may, upon payment of a license fee of two dollars to such town, license any suitable inhabitant thereof, who has resided therein during the six months next preceding the application for such license, to be an auctioneer therein for one year. The licensing authority of any town may, upon payment of the license fee hereinafter provided, issue a special license to any person not such an inhabitant, to be an auctioneer therein, for days specified in the license, in the sale of real estate, livestock and general farm equipment and produce. The fee for such a special license shall be five dollars for each of the days specified in the license as aforesaid. Said licensing authority may for any cause deemed satisfactory, and without a hearing, revoke or suspend any license issued under authority of this section. Such licenses shall be signed, in Boston by the police commissioner, elsewhere by the town clerk, and shall be recorded in a book kept for that purpose.

Approved March 10, 1941.

G. L. (Ter. Ed.), 100, § 2, amended.

Issue, revocation, etc., of auctioneers' licenses.

Chap. 82 AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO PURCHASE A CERTAIN BUILDING ERECTED AND STANDING ON LAND OWNED BY SAID COUNTY IN GAY HEAD.

Be it enacted, etc., as follows:

SECTION 1. The county of Dukes county is hereby authorized to purchase a building standing on land owned by said county in Gay Head, and for said purpose may expend a sum not exceeding four thousand dollars. The county commissioners of said county are hereby authorized to levy said sum as a part of the county tax of said county for the current year in the manner provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1941.

Chap. 83 AN ACT RELATIVE TO BORROWINGS BY CITIES AND TOWNS OUTSIDE THE DEBT LIMIT FOR THE PURPOSE OF DEVELOPING ADDITIONAL SOURCES OF WATER SUPPLY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 44, § 8, etc., amended.

Section eight of chapter forty-four of the General Laws, as most recently amended by chapter four hundred and fifty-seven of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out paragraph five, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

Borrowings for water mains, etc.

(5) For laying and relaying water mains of not less than six inches but less than sixteen inches in diameter and for the development of additional well fields, including wells, pipes, and original pumping station equipment, fifteen years.

Approved March 11, 1941.

Chap. 84 AN ACT RELATIVE TO THE VALIDITY OF TAX TITLES AND CERTAIN PROCEEDINGS IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 37, etc., amended.

SECTION 1. Section thirty-seven of chapter sixty of the General Laws, as most recently amended by chapter one hundred and forty-six of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out the last sentence and inserting in place thereof the following:—

Validity of certain tax titles.

No tax title and no item included in a tax title account shall be held to be invalid by reason of any error or irregularity which is neither substantial nor misleading, whether such error or irregularity occurs in the proceedings of the collector or the assessors or in the proceedings of any other official or officials charged with duties in connection with the establishment of such tax title or the inclusion of such item in the tax title account.

SECTION 2. This act shall apply to all tax titles established on or after its effective date and to items included in tax title accounts of tax titles so established.

Application
of act.

Approved March 11, 1941.

AN ACT RELATING TO THE RECORDING OF NOTICES OF CERTAIN LEASES. *Chap. 85*

Be it enacted, etc., as follows:

Chapter one hundred and eighty-three of the General Laws is hereby amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 4.* A conveyance of an estate in fee simple, fee tail or for life, or a lease for more than seven years from the making thereof, shall not be valid as against any person, except the grantor or lessor, his heirs and devisees and persons having actual notice of it, unless it, or an office copy as provided in section thirteen of chapter thirty-six, or, with respect to such a lease, a notice of lease, as hereinafter defined, is recorded in the registry of deeds for the county or district in which the land to which it relates lies. A “notice of lease”, as used in this section, shall mean an instrument in writing executed by all persons who are parties to the lease of which notice is given and shall contain the following information with reference to such lease: — the date of execution thereof and a description, in the form contained in such lease, of the premises demised, and the term of such lease, with the date of commencement of such term and all rights of extension or renewal.

G. L. (Ter.
Ed.), 183, § 4,
amended.

Effect of
unrecorded
deed, etc.

Approved March 11, 1941.

AN ACT INCREASING THE AMOUNT WHICH A MEMBER BANK MAY BORROW FROM THE CO-OPERATIVE CENTRAL BANK WITHOUT COLLATERAL. *Chap. 86*

Be it enacted, etc., as follows:

Section seven of chapter forty-five of the acts of nineteen hundred and thirty-two is hereby amended by striking out the paragraph amended by chapter one hundred and thirty-six of the acts of nineteen hundred and thirty-five and inserting in place thereof the following paragraph: —

The central bank may, in accordance with its by-laws, loan its funds to member banks only, and any loan so made shall constitute a debt against the borrowing member bank and, in the case of its liquidation, shall be satisfied before any distribution of its assets is made to shareholders. No member bank may borrow from the central bank in excess of ten per cent of its assets unless said loan is secured as required by the directors of the central bank.

Approved March 11, 1941.

Chap. 87 AN ACT FOR THE ESTABLISHMENT OF A COUNTY FOREST IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

The county of Dukes County, acting by its county commissioners, may acquire by purchase, gift or bequest lands for the purpose of forestation and may reclaim and plant such lands.

Approved March 11, 1941.

Chap. 88 AN ACT RELATIVE TO THE CONTENTS AND THE RECORDING IN REGISTRIES OF DEEDS OF MEMORANDA RELATIVE TO PROCEEDINGS UNDER EQUITY JURISDICTION IN PROBATE COURTS AFFECTING TITLE TO REAL ESTATE BINDING ON THIRD PARTIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 184,
§ 15, amended.

Proceedings
affecting title
to realty
binding on
third parties,
etc.

SECTION 1. Section fifteen of chapter one hundred and eighty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "proceedings" in the twelfth line the following:— , other than proceedings under equity jurisdiction, — so as to read as follows:— *Section 15.* A writ of entry or other proceeding, either at law or in equity, which affects the title to real property or the use and occupation thereof or the buildings thereon, shall not have any effect except against the parties thereto, their heirs and devisees and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the court in which it is pending, the date of the writ or other commencement thereof, the name of the town where the real property liable to be affected thereby lies and a description of such real property sufficiently accurate for identification is recorded in the registry of deeds for the county or district where such real property lies; but this section shall not apply to attachments, levies of execution or proceedings, other than proceedings under equity jurisdiction, in the probate courts.

Effective
date.

SECTION 2. This act shall take effect on July first in the current year.

Approved March 11, 1941.

Chap. 89 AN ACT AUTHORIZING THE RECORDING OF CERTIFIED COPIES OF PETITIONS, DECREES AND ORDERS FILED OR MADE PURSUANT TO THE FEDERAL BANKRUPTCY ACT OF 1898, AS AMENDED BY THE FEDERAL BANKRUPTCY ACT OF 1938, SO AS TO MAKE SECTION TWENTY-ONE G THEREOF EFFECTIVE IN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 36, new
section 24A,
added.

Chapter thirty-six of the General Laws is hereby amended by inserting after section twenty-four, as appearing in the Tercentenary Edition, the following new section:— *Section*

24A. At any time after a petition in bankruptcy is filed, or a decree of adjudication or an order approving the trustee's bond is made, pursuant to the federal Bankruptcy Act of 1898, as amended by the federal Bankruptcy Act of 1938, the bankrupt, trustee, receiver, custodian, referee or any creditor may record a certified copy of such petition, with the schedules omitted, or of such decree or order in the registry of deeds for any county or district wherein the bankrupt owns or has an interest in any land.

Recording of petitions, etc., under Bankruptcy Act.

Approved March 11, 1941.

AN ACT RELATING TO THE SUMMONING OF JURORS AND RETURNS OF VENIRES BY DEPUTY SHERIFFS. *Chap. 90*

Be it enacted, etc., as follows:

Section twenty-four of chapter two hundred and thirty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting in the first line after the word "The" the words:— deputy sheriff or, — so as to read as follows:— *Section 24.* The deputy sheriff or constable shall, fourteen days at least before the time when the jurors are required to attend unless the court otherwise orders when issuing venires for additional jurors under section twelve, summon each person who is drawn, by reading to him the venire with the endorsement thereon of his having been drawn, or by leaving at his place of abode a written notice of his having been drawn and of the time and place of the sitting of the court at which he is required to attend, and shall make a return of the venire with his doings thereon to the clerk of the court, before the sitting of the court by which it was issued.

G. L. (Ter. Ed.), 234, § 24, amended.

Summoning of jurors.

Approved March 11, 1941.

AN ACT MAKING MARCH SEVENTEENTH A LEGAL HOLIDAY IN SUFFOLK COUNTY. *Chap. 91*

Be it enacted, etc., as follows:

SECTION 1. Clause eighteenth of section seven of chapter four of the General Laws, as most recently amended by chapter two hundred and forty-five of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the last sentence and inserting in place thereof the following:— "Legal holiday" shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when March seventeenth or June seventeenth occurs on Sunday, and the public offices of the cities of Boston, Chelsea and Revere, the town of Winthrop and the county of Suffolk shall be closed on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices in said county shall be closed on said June seventeenth or the day following when June seventeenth occurs on Sunday;

G. L. (Ter. Ed.); 4, § 7, cl. 18th, etc., amended.

March seventeenth a legal holiday in Suffolk county.

provided, that the words "legal holiday" as used in section forty-five of chapter one hundred and forty-nine, and the word "holiday" as used in chapter one hundred and seven, shall not include March seventeenth or the day following when March seventeenth occurs on Sunday.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1941.

Chap. 92 AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO BORROW ON ACCOUNT OF PUBLIC WELFARE, SOLDIERS' BENEFITS, FEDERAL EMERGENCY UNEMPLOYMENT RELIEF PROJECTS, AND THE FEDERAL STAMP PLAN FOR DISTRIBUTION OF SURPLUS COMMODITIES.

Emergency
preamble.

Whereas, It is necessary, in order to comply with the laws relative to the preparation and adoption of budgets, that the provisions of this act shall become effective immediately, and as the deferred operation of this act would tend to defeat such purpose, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Subject to the provisions of this act, any city, town or district, by a two thirds vote as defined in section one of chapter forty-four of the General Laws, and with the approval of the mayor, selectmen or prudential committee or commissioners, as the case may be, and of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, may borrow, in each of the years nineteen hundred and forty-one and nineteen hundred and forty-two, outside its limit of indebtedness as prescribed by sections eight and ten of said chapter forty-four, for use only for meeting appropriations made or to be made for public welfare, including in such term old age assistance and aid to dependent children, for soldiers' benefits, for any federal emergency unemployment relief projects, exclusive of public works administration projects or substitutes therefor, and for the installation of the Federal Surplus Commodity Stamp Plan, so called, for distribution of surplus commodities as it now is or hereafter may be operated in conjunction with the federal government, including the purchase of stamps required in connection with the installation thereof, to an amount not more than one half of one per cent of the average of the assessors' valuations of its taxable property for the three preceding years, such valuations to be reduced and otherwise determined as provided in said section ten of said chapter forty-four, and may issue bonds or notes therefor, which shall bear on their face the words (name of city, town or district) Municipal Relief Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, as said

board shall fix, and, except as herein provided, shall be subject to said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof.

Loans may be issued hereunder in the year nineteen hundred and forty-one or nineteen hundred and forty-two, as the case may be, only by a city, town or district which in such year has appropriated to be raised by taxation or appropriated from available funds for the purposes enumerated in the preceding paragraph, an amount not less than the aggregate of its expenditures made in the year preceding the year of issue for old age assistance and aid to dependent children to be met otherwise than from the proceeds of federal grants and of its expenditures made in said preceding year for soldiers' benefits, together with an amount equal to not less than sixty-five per cent of its expenditures made in said preceding year for all public welfare purposes other than old age assistance, aid to dependent children and soldiers' benefits and other than federal emergency unemployment relief projects and the Federal Surplus Commodity Stamp Plan, so called, all as determined by said board.

If a loan under authority of this act has been approved by said board during the year nineteen hundred and forty-one or nineteen hundred and forty-two for a city, town or district, the amount of any appropriation voted by such city, town or district for said year for public welfare, including in such term old age assistance and aid to dependent children, and soldiers' benefits, shall not be reduced during said year by appropriation transfer or otherwise, except with the written approval of the board. Whenever used in this section, the words "soldiers' benefits" shall include state aid, military aid, soldiers' burials and soldiers' relief.

SECTION 2. The members of the board aforesaid, when acting under this act, shall receive from the commonwealth compensation to the same extent as provided for services under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended.

SECTION 3. A loan order voted in any city under authority of this act shall be deemed to be an emergency order and as such may be passed in such manner as is provided for emergency orders or ordinances in its charter and shall be in full force and effect immediately upon final favorable action thereon by its city council or chief executive, as the case may be, or upon the expiration of any period specified by such charter for the approval or disapproval of such orders by its chief executive in any case where he fails to approve or disapprove such an order within such period, notwithstanding any provision of general or special law to the contrary; provided, that in the city of Boston such loan orders may be passed in the manner provided in its charter for loan orders for temporary loans in anticipation of taxes.

Approved March 13, 1941.

Chap. 93 AN ACT AUTHORIZING THE INCURRING OF LIABILITIES IN CITIES IN ANTICIPATION OF APPROPRIATIONS IN ORDER TO COMPENSATE ASSISTANT ASSESSORS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 44, § 34, etc., amended.

Section thirty-four of chapter forty-four of the General Laws, as amended by chapter one hundred and seventy of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding at the end the following paragraph:—

Certain expenditures to compensate assessors.

Notwithstanding the foregoing limitations upon the authority of city officers to incur liabilities during said interval, such officers may incur liabilities to such extent as may be necessary for the purpose of compensating assistant assessors for duties performed under section twenty-five A of chapter forty-one.

Approved March 13, 1941.

Chap. 94 AN ACT PROVIDING FOR THE PAYMENT BY THE COMMONWEALTH TO THE UNITED STATES OF AMERICA OF A PORTION OF THE PROCEEDS OF SALES OF STATE FOREST PRODUCTS RESULTING FROM OPERATIONS OF THE CIVILIAN CONSERVATION CORPS.

Be it enacted, etc., as follows:

Subject to appropriation, there shall be allowed and paid from the treasury of the commonwealth from time to time to the treasurer of the United States of America sums equal, in the aggregate, to one half of the net proceeds, as certified to the comptroller by the commissioner of conservation, of the sale, on and after December first, nineteen hundred and forty, of forest products resulting from operations of the Civilian Conservation Corps in the state forests in the commonwealth.

Approved March 13, 1941.

Chap. 95 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF NEW BEDFORD IN ODD-NUMBERED YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and forty-five, municipal elections in the city of New Bedford for the choice of mayor, members of the city council, assessors and members of the school committee shall be held biennially on the second Tuesday of November in every odd-numbered year.

SECTION 2. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the mayor and members of the city council shall be elected for terms of three years each, and at each biennial municipal

election thereafter shall be elected for terms of two years each.

SECTION 3. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, one assessor shall be elected to hold office until the qualification of his successor who shall be elected at the biennial municipal election in the year nineteen hundred and forty-nine. The term of the assessor elected in the year nineteen hundred and thirty-eight shall continue until the qualification of his successor who shall be elected at the biennial municipal election in the year nineteen hundred and forty-five. The term of the assessor elected in the year nineteen hundred and forty shall continue until the qualification of his successor who shall be elected at the biennial municipal election in the year nineteen hundred and forty-seven. At each biennial municipal election, beginning with the year nineteen hundred and forty-five, one assessor shall be elected for the term of six years.

SECTION 4. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the members of the school committee to be elected thereat shall be elected to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-seven. The term of office of the members of the school committee elected in the year nineteen hundred and forty shall continue until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-five. At each biennial municipal election, beginning with the year nineteen hundred and forty-five, all members of the school committee to be elected thereat shall be elected for terms of four years each.

SECTION 5. No regular municipal election shall be held in said city in the year nineteen hundred and forty-three or nineteen hundred and forty-four.

SECTION 6. This act shall be submitted to the registered voters of the city of New Bedford at the next biennial state election in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the General Court in the year nineteen hundred and forty-one, entitled 'An Act providing for the holding of biennial municipal elections in the city of New Bedford in odd-numbered years and establishing the date of said elections', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall thereupon take full effect in said city, but not otherwise.

Approved March 13, 1941.

Chap. 96 AN ACT AUTHORIZING THE CITY OF WORCESTER TO PAY CERTAIN CLAIMS FOR DAMAGE TO PROPERTY CAUSED BY BLASTING OPERATIONS AT HOPE CEMETERY IN SAID CITY.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation of the city of Worcester arising out of negligence during blasting operations during the year nineteen hundred and forty on a Works Progress Administration project sponsored by said city in its Hope cemetery, said city is hereby authorized to pay claims filed on or before October first, nineteen hundred and forty-one, arising out of such negligence, to such persons and in such amounts not exceeding, in the aggregate, one thousand dollars, as the city council, with the approval of the mayor, shall determine to be proper.

Approved March 13, 1941.

Chap. 97 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF PEABODY IN ODD-NUMBERED YEARS AND ESTABLISHING THE DATE OF SAID ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and forty-five, municipal elections in the city of Peabody for the choice of mayor, members of the city council, members of the school committee and trustees of the Peabody Institute shall be held biennially on the second Tuesday in November in every odd-numbered year.

SECTION 2. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the mayor and members of the city council shall be elected for terms of three years each, and at each biennial municipal election thereafter shall be elected for terms of two years each.

SECTION 3. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the members of the school committee to be elected thereat shall be elected to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-seven. The term of office of the members of the school committee elected in the year nineteen hundred and forty shall continue until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-five. Beginning with the biennial municipal election in the year nineteen hundred and forty-five and at every biennial municipal election thereafter, the members of the school committee to be elected thereat shall be elected for terms of four years each.

SECTION 4. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the trustees of the Peabody Institute to be elected

thereat shall be elected to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-nine. The term of office of the trustees elected in the year nineteen hundred and thirty-eight shall continue until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-five. The term of office of the trustees elected in the year nineteen hundred and forty shall continue until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-seven. Beginning with the biennial municipal election to be held in the year nineteen hundred and forty-five and at every biennial municipal election thereafter, the trustees to be elected thereat shall be elected for terms of six years each.

SECTION 5. No regular municipal election shall be held in said city in the year nineteen hundred and forty-three or nineteen hundred and forty-four.

SECTION 6. Such provisions of chapter three hundred of the Special Acts of nineteen hundred and sixteen, and acts in amendment thereof and in addition thereto, as are inconsistent with this act are hereby repealed.

SECTION 7. This act shall be submitted to the registered voters of the city of Peabody at the next biennial state election in the form of the following question which shall be placed upon the official ballot to be used in said city at said election:— "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act providing for the Holding of Biennial Municipal Elections in the City of Peabody in Odd-Numbered Years and establishing the Date of Said Elections', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall thereupon take full effect in said city, but not otherwise.

Approved March 13, 1941.

AN ACT AUTHORIZING THE TOWN OF GOSNOLD TO APPROPRIATE MONEY FOR MUNICIPAL ADVERTISING PURPOSES. *Chap. 98*

Be it enacted, etc., as follows:

SECTION 1. The town of Gosnold may annually appropriate a sum, not exceeding one hundred and fifty dollars, for the purpose of advertising the advantages of the town, with special reference to its facilities for summer vacation, recreation and seashore purposes; provided, that as to each such appropriation a sum equal to the amount thereof shall previously have been contributed by public subscription or by donation and paid into the town treasury to be expended for the aforesaid purposes. The money so appropriated by the town and the money so raised by subscription or donation shall be expended under the direction of the selectmen.

SECTION 2. This act shall take full effect upon its acceptance by said town within three years after its passage.

Approved March 13, 1941.

Chap. 99 AN ACT REQUIRING MUNICIPALITIES TO INDEMNIFY AND PROTECT THEIR TREASURERS IN THE PERFORMANCE OF THEIR DUTIES IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 41, § 43A, etc., amended.

Protection of treasurers in performance of duty.

Chapter forty-one of the General Laws is hereby amended by striking out section forty-three A, inserted by chapter eighty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 43A.* If it appears to the mayor and city council of a city or the selectmen of a town, upon petition of the collector of taxes or the treasurer, that an action or suit has been brought against him for damages resulting from his acts as collector or as treasurer, as the case may be, wherein an attachment has been made of the goods, estate, effects or credits of such collector or such treasurer, by trustee process or otherwise, or the disposition of his property has been restricted by injunction and that such acts were performed in good faith, without negligence, and in the belief that he was acting in the interest of the city or town, the city solicitor or town counsel shall be required by said mayor and city council or selectmen to defend the action or suit or, in case of a town having no town counsel, an attorney shall be employed by the selectmen to defend such action or suit, and the mayor or chairman of the board of selectmen, as soon as may be, shall execute a certificate setting forth the findings of the mayor and city council or selectmen upon such petition and shall cause such certificate to be filed in the court in which such action or suit is pending, and, in the case of attachment of real property, shall cause a certified copy of such certificate to be filed in the registry of deeds for the district in which the property is situated, or, in the case of registered land, in the office of the assistant recorder of the land court for said district, and, in the case of attachment of goods, estate, effects or credits by trustee process, shall cause a certified copy of such certificate to be served upon the trustee thereof, and, in the case of attachment of personal property by mesne process, shall cause a certified copy of such certificate to be served upon the officer who made the attachment of said property, and thereupon any such attachment shall be dissolved by operation of law and any such injunction shall be dissolved by order of the court upon motion. Upon presentation to the treasurer of a city or town by an officer qualified to serve civil process of an execution or attested copy of a decree issued or made against the collector or against the treasurer in an action or suit in which an attachment or injunction has been so dissolved, the treasurer, after an appropriation therefor has been voted

to be raised by taxation or from available funds, shall pay the amount payable under said execution or decree. If the tax rate for the current year shall have been fixed the city or town by a two thirds vote may incur debt, within the limit of indebtedness prescribed in section ten of chapter forty-four and subject to the pertinent provisions of said chapter, payable within one year, for the purpose of paying the amount of the execution or decree.

Approved March 13, 1941.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO MAKE CERTAIN CHANGES AND REPAIRS AND PROVIDE SPECIAL FURNISHINGS IN CERTAIN COUNTY BUILDINGS. Chap.100

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to make certain changes and repairs and provide special furnishings at the Brockton court house, the Plymouth court house and the Plymouth registry building, and for said purposes to raise and expend sums not exceeding, in the aggregate, thirty thousand dollars.

SECTION 2. For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue notes of the county therefor, which shall bear on their face the words, Plymouth County Buildings Loan, Act of 1941, and such notes shall be payable in not more than six years from their dates. Such notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take full effect upon its acceptance, during the current year, by the county commissioners of Plymouth county, but not otherwise.

Approved March 13, 1941.

AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO BORROW MONEY FOR THE PURPOSE OF ACQUIRING CERTAIN REAL ESTATE IN SAID TOWN AND TO PROVIDE FOR THE USE AND DISPOSITION OF SAID REAL ESTATE. Chap.101

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring the real estate within the limits of the town of Winthrop formerly owned by the Boston, Revere Beach and Lynn Railroad Company

and now owned by the trustees of the First Narrow Gauge Trust and the General Narrow Gauge Trust, or either of such trusts, or any portion of such real estate, said town may borrow from time to time within a period of two years from the passage of this act, such sum or sums as may be necessary, not exceeding, in the aggregate, sixty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Winthrop Real Estate Loan, Act of 1941. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, inclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Real estate acquired under this act may be laid out as and for a public or town way or may be used for such other public or municipal purposes as said town may from time to time determine. In the event that said real estate is laid out by said town as a public or town way, all provisions of law relative to such layout, so far as not inconsistent herewith, shall be applicable. Said town may from time to time sell and dispose of such of said real estate as it may determine is no longer necessary for public or municipal purposes.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1941.

Chap. 102 AN ACT FURTHER REGULATING PERSONAL LOANS BY CREDIT UNIONS TO THEIR MEMBERS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 171,
§ 24, etc.,
amended.

Section twenty-four of chapter one hundred and seventy-one of the General Laws, as most recently amended by section three of chapter one hundred and sixty-three of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the first four paragraphs and subsection (A), as so amended, and inserting in place thereof the following:—

Loans
regulated.

A credit union may make loans of the following classes to its members:—

(a) Personal loans evidenced by the note of the borrower; and

(b) Loans secured by mortgages of real estate situated within the commonwealth.

Personal loans shall always be given the preference and, in the event there are not sufficient funds available to satisfy all loan applications approved by the credit committee, preference shall be given to the smaller loan.

(A) PERSONAL LOANS.

Each personal loan shall be payable within eighteen months from the date thereof and shall be paid or renewed on or before such date.

Each personal loan shall be limited as follows: —

1. To an amount not exceeding one hundred dollars, if evidenced by the unendorsed and unsecured note of the borrower.

2. To an amount not exceeding three hundred dollars, if evidenced by the note of the borrower with one or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same.

3. To an amount not exceeding one thousand dollars, if evidenced by the note of the borrower with two or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same.

4. To an amount not exceeding fifteen hundred dollars, if evidenced by the note of the borrower with two or more responsible endorsers or co-makers thereon, and with collateral valued at not more than eighty per cent of its market value, pledged fully to secure the same.

5. To an amount not exceeding three thousand dollars, if evidenced by the note of the borrower and with sufficient collateral pledged to secure the same made up of bonds or notes of the United States, or of any state or subdivision thereof, which are legal investments for savings banks in this commonwealth valued at not more than eighty per cent of their market value, or by the assignment of the pass book of a depositor in a savings bank doing business in any of the New England states or in the savings department of a trust company or national banking association doing business in this commonwealth, or the pass book of a depositor in a co-operative bank incorporated under chapter one hundred and seventy.

6. To an amount not exceeding the value of the shares and deposits of the borrower in the credit union, if evidenced by the note of the borrower and secured by an assignment of said shares and deposits.

The amount of a loan under paragraph 2, 3, 5 or 6 evidenced by an unendorsed note of the borrower may, in the discretion of the credit committee, exceed by not more than one hundred dollars the amount warranted, in their opinion, by the value of the collateral offered as security for the loan; but the total amount of any such loan shall not exceed the amount stated in the paragraph under which the loan is made.

For the purposes of this section, an assignment of wages or a pay-roll deduction order may be received as satisfactory collateral for any loan not in excess of two hundred and fifty dollars.

Approved March 14, 1941.

Chap. 103 AN ACT RELATIVE TO THE SALE OF CHECKS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 168,
new section
33B, added.
Sale of checks.

Chapter one hundred and sixty-eight of the General Laws is hereby amended by inserting after section thirty-three A, as amended, the following new section: — *Section 33B.* Any savings bank may, under regulations made by the commissioner, sell negotiable checks drawn by or on it and payable by or through a trust company or a national banking association.

Approved March 14, 1941.

Chap. 104 AN ACT RELATIVE TO DEPOSITS BY SAVINGS DEPARTMENTS OF CERTAIN TRUST COMPANIES IN THE COMMERCIAL DEPARTMENTS THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 172,
§ 62, etc.,
amended.

Certain
deposits to be
kept separate.

Chapter one hundred and seventy-two of the General Laws is hereby amended by striking out section sixty-two, as most recently amended by section twenty-seven of chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 62.* Such deposits and the investments or loans thereof shall be appropriated solely to the security and payment of such deposits, shall not be mingled with the investments of the capital stock or other money or property belonging to or controlled by such corporation, or be liable for the debts or obligations thereof until after the deposits in said savings department have been paid in full. The accounts and transactions of said savings department shall be kept separate and distinct from the general business of the corporation; provided, that the savings department of any such corporation subject to the reserve requirement of section eighty-one may make deposits in the commercial department thereof, not exceeding in the aggregate at any one time the amount of reserve such corporation is required to maintain under said section eighty-one against its savings deposits, and that the savings department of any such corporation which is not subject to said reserve requirement may make deposits in the commercial department thereof, not exceeding in the aggregate at any one time three per cent of the total deposits in the savings department; and provided, further, that in either such case the commercial department shall first transfer to the savings department to be held as security for such deposits, bonds, notes, bills or certificates of indebtedness of the United States or of this commonwealth, or such other assets as the commissioner may, as to any specific deposit, approve, of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security to such amount.

Approved March 14, 1941.

AN ACT RELATIVE TO THE PAYMENT OF DIVIDENDS TO DEPOSITORS OF SAVINGS BANKS. Chap. 105

Be it enacted, etc., as follows:

Section forty-nine of chapter one hundred and sixty-eight of the General Laws, as amended by section eighteen of chapter three hundred and thirty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fifth line, the words "and one half", — so as to read as follows: — *Section 49.* If, at the time provided by the by-laws for making ordinary dividends, the net income for the interest period last preceding, over and above the amount to be set apart for the guaranty fund, does not amount to one per cent of the deposits, if said period is six months, or a proportional percentage thereof, if the period is less than six months, no dividend shall be declared or paid, except such as shall be approved in writing by the commissioner.

G. L. (Ter. Ed.), 168, § 49, etc., amended.

Payment of dividends regulated.

Approved March 14, 1941.

AN ACT AUTHORIZING LOANS BY SAVINGS BANKS FOR FINANCING THE REPAIR AND REHABILITATION OF CERTAIN REAL ESTATE MORTGAGED TO SUCH BANKS. Chap. 106

Be it enacted, etc., as follows:

Section fifty-four of chapter one hundred and sixty-eight of the General Laws, as amended, is hereby further amended by inserting after clause Tenth, as appearing in the Tercentenary Edition, the following new clause: —

G. L. (Ter. Ed.), 168, § 54, etc., new cl. Tenth A, inserted.

Tenth A. In loans to owners of improved real estate, upon which such corporation holds mortgages, for the purpose of financing the repair, alteration or rehabilitation thereof or the purchase and installation of fixtures to be affixed thereto; provided, that any such loan shall not exceed five hundred dollars with respect to any one parcel of such real estate, shall be payable at a time not exceeding three years from the date thereof, and shall require payments to be made on account of the principal in equal monthly installments, such payments to commence not later than one month after the date of the note, and to be in amounts which, at the maturity of the note, shall equal the original amount of the loan; and provided, further, that the total of all such loans outstanding at any one time shall not exceed one per cent of the deposits and income of such corporation.

Repair, etc., loans.

Approved March 14, 1941.

Chap. 107 AN ACT RELATIVE TO THE SETTLEMENT, MODIFICATION OR READJUSTMENT OF INVESTMENTS OF SAVINGS BANKS IN SECURITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 168, § 54, etc., new cl. Thirteenth A, inserted.

Investments of savings banks.

Section fifty-four of chapter one hundred and sixty-eight of the General Laws, as amended, is hereby further amended by inserting after clause Thirteenth, as appearing in the Tercentenary Edition, the following new clause:—

Thirteenth A. Such corporation may consent to any settlement, modification or readjustment of any investment in securities legally made by such corporation and may accept and hold as investments bonds, notes, stocks and other securities offered in full or partial settlement, modification or readjustment of any such investment, pursuant to a reorganization or otherwise. The commissioner may, at any time after the expiration of five years following the acceptance and acquisition of any such securities, order the sale or other disposition thereof.

Approved March 14, 1941.

Chap. 108 AN ACT RELATIVE TO ANNUAL STATEMENTS OF THE FINANCIAL CONDITION OF SAVINGS AND INSURANCE BANKS AND OF THE GENERAL INSURANCE GUARANTY FUND.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 178, § 29, etc., amended.

Annual, etc., statements of condition.

SECTION 1. Chapter one hundred and seventy-eight of the General Laws is hereby amended by striking out section twenty-nine, as most recently amended by section three of chapter two hundred and eighty-five of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:— *Section 29.* The treasurer shall annually, within sixty days after the last business day of October, file with the commissioner of insurance and the commissioner of banks a statement showing the financial condition of the insurance department on the last business day of October. Such annual statement shall be in the form required by the commissioners, who shall embody therein so much of the forms now prescribed for life insurance companies and for savings banks as may seem to them appropriate, with any additional inquiries they may require for the purpose of eliciting a complete and accurate exhibit of the condition and transactions of the banks. The assets and liabilities shall be computed and allowed in such statement in accordance with the rules governing insurance companies, except as herein otherwise provided. The president or vice president of the savings and insurance bank and five or more of its trustees shall make oath that the statement is correct according to the best of their knowledge and belief. The treasurer shall annually, on or before the first day of April, file with said commissioners, in the form required by them,

a statement, supplementary to the last annual statement filed as aforesaid, sworn to in the same manner as said annual statement, showing the distribution, since the last business day of the preceding October, of sums designated in said annual statement as undivided profits and the change in the surplus account, appearing in said annual statement, resulting from dividends declared since said last business day of October. The commissioner of insurance and the commissioner of banks may also at any time require the treasurer to make such other statement of condition or furnish such other information concerning the insurance department as they deem necessary.

SECTION 2. Said chapter one hundred and seventy-eight is hereby further amended by striking out section thirty-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 31.* The commissioner of insurance and the commissioner of banks shall prepare annually from the said statements concerning insurance departments and the General Insurance Guaranty Fund, and communicate to the general court, by filing with the clerk of the house of representatives, on or before the first Wednesday in May, a statement of the condition of each savings and insurance bank and of said General Insurance Guaranty Fund, and shall include therein such suggestions as they consider expedient relative to the general conduct and condition of each bank visited by them.

G. L. (Ter. Ed.), 178, § 31, amended.

Annual report of commissioners.

Approved March 14, 1941.

AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO USE CERTAIN PARK AND CITY FARM LAND FOR SCHOOL PURPOSES, AND CERTAIN CITY FARM LAND FOR PARK PURPOSES.

Chap. 109

Be it enacted, etc., as follows:

SECTION 1. The city of Gloucester may use for school purposes a part of the Centennial avenue playground, so called, formerly taken by eminent domain for park purposes in said city, said part being bounded and described as follows, as shown on the plan referred to in section four: — Beginning at point A at a stone post at land of Helen F. Connor; thence running southerly by the westerly side line of Centennial avenue one hundred and two feet, more or less, to a bolt at point B and a chain link fence; thence running westerly by said chain link fence four hundred and eighty-six feet, more or less, to a corner marked point C; thence running northeasterly two hundred and sixty-nine feet, more or less, to point D at land of Michael Julian and Alice E. Parnell; thence running southeasterly by land of Alice E. Parnell one hundred and thirty-nine feet, more or less, to point E; thence running northeasterly by land of Alice E. Parnell and Helen F. Connor one hundred and seventy-five feet, more or less, to the stone post and point of beginning; and thereafter the part of said Centennial

avenue playground hereinbefore described shall be under the care and control of the school committee of said city to the same extent as other school property of said city.

SECTION 2. Said city may use for park purposes a part of the city farm, so called, now under the care and control of the board of public welfare of said city, said part being bounded and described as follows, as shown on the plan referred to in section four: — Beginning at point M at the bank of the Annisquam river, so called, and being also shown as point L on a plan entitled "Plan Showing Proposed Taking for Park Purposes by the Board of Park Commissioners, Gloucester, Mass.," dated April twenty-fifth, nineteen hundred and six, by Winslow L. Webber, city engineer, recorded in Essex south district registry of deeds, book 1821, page 365, and at the end of a chain link fence; thence running northeasterly by said chain link fence, two hundred and fifty feet, more or less, to point N; thence running easterly by said chain link fence, fifty-nine feet, more or less, to point C; thence running southwesterly, two hundred and ninety-three feet, more or less, to the bank of said Annisquam river and point of beginning; and thereafter the part of said city farm hereinbefore described shall be under the care and control of the board of park commissioners of said city and shall be hereafter dedicated to public park purposes.

SECTION 3. Said city may use for school purposes a part of the city farm, so called, situated between the Annisquam river and Blynman avenue in said city, now under the care and control of the board of public welfare, said part being bounded and described as follows, as shown on the plan referred to in section four: — Beginning at point M referred to in section two; thence running northwesterly and northeasterly by and along the bank of the Annisquam river, so called, fifteen hundred and forty feet, more or less, to point P; thence turning and running easterly by other and remaining land comprising the city farm, six hundred and four feet, more or less, to a stone bound marked point Q; thence turning and running southeasterly by other and remaining land of the city farm, two hundred and eighty feet, more or less, to a stone bound at the westerly side line of Lincoln avenue and marked point R; thence running southwesterly by and along the westerly side line of Lincoln avenue, four hundred and eighty feet, more or less, to a stone bound at the corner of Blynman avenue and marked point S; thence running southwesterly across the end of said Blynman avenue, fifty-two feet, more or less, to a corner of the wall at land of Catherine Baldwin and marked point T; thence running southwesterly by land of Catherine Baldwin and Annie M. Rose, one hundred and thirty-two feet, more or less, to a corner of land of Annie M. Rose and marked point U; thence running southerly by land of said Annie M. Rose, eighty-four feet, more or less, to point V; thence running southeasterly by land of said Annie M. Rose

and Michael Julian, one hundred and thirty feet, more or less, to point D; thence running southwesterly, two hundred and sixty-nine feet, more or less, to the chain link fence mentioned in sections one and two and shown as point C; thence turning and running westerly by said chain link fence, fifty-nine feet, more or less, to point N; thence turning and running southwesterly again by said chain link fence, two hundred and fifty feet, more or less, to point M and point of beginning; and thereafter said part of said city farm hereinbefore described shall be under the care and control of the school committee of the city of Gloucester to the same extent as other school property of said city.

SECTION 4. The three parcels hereinbefore described in sections one, two and three of this act are shown on a plan entitled "Plan of New High School Site, Indicating Former Uses of Same, to Accompany Bill in the 1941 Legislature Authorizing Entire Site for School Purposes, Gloucester, Massachusetts," dated January seventh, nineteen hundred and forty-one, Paul A. Polisson, city engineer, which is on file in the office of said city engineer.

SECTION 5. This act shall take full effect upon its acceptance during the current year by vote of the board of park commissioners, the board of public welfare, the school committee and the municipal council of said city, respectively, subject to the provisions of its charter, but not otherwise.

Approved March 14, 1941.

AN ACT FURTHER PROVIDING FOR REMOVING OR PLACING UNDERGROUND CERTAIN WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF BOSTON. Chap. 110

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and one of the acts of nineteen hundred and thirty-one, as amended by section one of chapter one hundred and ten of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the fourth line, the word "forty-one" and inserting in place thereof the word: — forty-six, — so as to read as follows: — *Section 1.* In the month of January in the year nineteen hundred and thirty-two, and in said month in each year thereafter, to and including the year nineteen hundred and forty-six, the fire commissioner of the city of Boston shall prescribe and give public notice thereof in at least two daily newspapers in said city, by advertisement therein, twice a week for two weeks in succession, of not more than four miles of streets in said city in any one year, from which poles shall be removed and the wires buried underground, except such poles and wires as are excepted in chapter three hundred and sixty-four of the acts of nineteen hundred and eleven.

SECTION 2. Section two of said chapter one hundred and one, as amended by section two of said chapter one hundred and ten, is hereby further amended by striking out, in the

seventh line, the word "forty-one" and inserting in place thereof the word: — forty-six, — so as to read as follows: — *Section 2.* The powers conferred and the duties imposed upon the officer mentioned in said chapter three hundred and sixty-four, and other acts mentioned in said chapter, are hereby extended and said powers shall be exercised and said duties performed by said fire commissioner in each of the years nineteen hundred and thirty-two to nineteen hundred and forty-six, inclusive.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1941.

Chap. 111 AN ACT RELATIVE TO CERTAIN LINES, POLES AND OTHER EQUIPMENT OF MIDDLESEX COUNTY ELECTRIC COMPANY AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY IN THE TOWNS OF DUNSTABLE, PEPPERELL, SHIRLEY AND TYNGSBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. All lines for the transmission of electricity for light, heat or power heretofore acquired or constructed by Middlesex County Electric Company in the towns of Dunstable, Pepperell, Shirley and Tyngsborough, and all lines for the transmission of intelligence by electricity heretofore acquired or constructed by New England Telephone and Telegraph Company in any of the said towns, upon, along, over or under the public ways and places of said towns, or any of them, and the poles, piers, abutments, conduits and other fixtures necessary to sustain or protect the wires of said lines, and in actual use on the effective date of this act, are hereby made lawful notwithstanding the lack of any valid locations therefor or any informality in the proceedings relative to their location and erection; provided, that the validation aforesaid shall not be effective as to the lines, structures or fixtures aforesaid of any such company in any of such towns unless such company shall, not later than December first, nineteen hundred and forty-two, file with the town clerk of each of such towns a map or maps showing in detail the location and nature of the said lines, structures and fixtures in such town; such map or maps so filed to be recorded and kept with the records of original locations for poles and wires in the town where filed.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1941.

Chap. 112 AN ACT PROVIDING FOR THE BIENNIAL ESTABLISHMENT OF THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 58, § 9, etc., amended.

Chapter fifty-eight of the General Laws is hereby amended by striking out section nine, as amended by chapter three

hundred and forty-six of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: —

Section 9. In the year nineteen hundred and forty-three and in every second year thereafter, the commissioner shall, on or before April first, report to the general court an equalization and apportionment for the two succeeding years upon the several towns of the amount of property, and the proportion of every one thousand dollars of state tax, and the proportion of county tax, which should be assessed upon each town.

Biennial basis of apportionment of state and county taxes.

Approved March 17, 1941.

AN ACT RELATIVE TO THE INVESTMENT OF FUNDS OF CERTAIN RETIREMENT SYSTEMS. *Chap. 113*

Be it enacted, etc., as follows:

SECTION 1. Section thirty-one H of chapter thirty-two of the General Laws, as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby amended by striking out paragraph (1) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 32, § 31H, etc., amended.

(1) The board shall invest the funds of the system in such securities, other than mortgages, as are legal for the investment of funds of savings banks under the laws of the commonwealth, or shall deposit such funds in such banks, except as provided in paragraph (4) hereof, and except that it may invest not exceeding ten per cent of such funds in shares of co-operative banks.

County systems, investment of funds of.

SECTION 2. Section twenty-five H of said chapter thirty-two, as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, is hereby amended by striking out paragraph (1) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 32, § 25H, etc., amended.

(1) The board shall invest the funds of the system in such securities, other than mortgages, as are legal for the investment of funds of savings banks under the laws of the commonwealth, or shall deposit such funds in such banks, except as provided in paragraph (4) hereof, and except that it may invest not exceeding ten per cent of such funds in shares of co-operative banks.

City and town systems, investment of funds of.

Approved March 19, 1941.

AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO USE FOR HIGHWAY PURPOSES CERTAIN PARK LANDS IN SAID TOWN. *Chap. 114*

Be it enacted, etc., as follows:

SECTION 1. The town of Swampscott is hereby authorized to use for highway purposes a portion of a certain parcel of land therein now held by it for park purposes, and no longer needed for park purposes; the land subject to this section being located at the intersection of Essex street and a proposed way to be known as "The Greenway" in said

town, and being more particularly bounded and described as follows: —

Beginning at a point at the intersection of the westerly line of Essex street with the westerly line of a proposed way to be known as "The Greenway", said point being three hundred and fifty-one and ninety-eight hundredths feet from a bolt set at the point of curve on the westerly line of Essex street; thence curving to the left with a radius of twenty feet over land of the town of Swampscott, for a distance of twenty-three and thirty-one hundredths feet, to a point of tangent; thence northwest by land of said town, for a distance of thirty-one and seventy-six hundredths feet, to a point of curve; thence curving to the left with a radius of three hundred and eighty-five and two hundredths feet, by land of said town, for a distance of twelve and forty-nine hundredths feet, to the southeast corner of lot "A" as shown on a plan drawn by Charles W. Gay, known as "Progress Park" and dated November thirtieth, nineteen hundred and fourteen; thence southeast for a distance of fifty-eight and seventy-seven hundredths feet, by land of said town, to the westerly line of Essex street; thence south-west along the westerly line of Essex street for a distance of sixty-one and forty-six hundredths feet to the point of beginning; the above described parcel being located at the entrance of a proposed way to be known as "The Greenway", and containing about thirteen hundred and thirty square feet.

SECTION 2. This act shall take full effect upon its acceptance by vote of the town meeting members of said town at any annual town meeting, or at any special town meeting called for the purpose, held within two years subsequent to its passage, but not otherwise.

Approved March 19, 1941.

Chap. 115 AN ACT FURTHER MODIFYING THE REQUIREMENTS FOR MAKING CERTAIN RAILROAD BONDS LEGAL INVESTMENTS FOR SAVINGS BANKS, INSTITUTIONS FOR SAVINGS AND TRUST COMPANIES IN THEIR SAVINGS DEPARTMENTS.

Emergency
preamble.

Whereas, Provisions of law similar in substance to those contained in this act have been in effect for a considerable period and will shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that the provisions of this act take effect before such provisions cease to be effective or as soon as possible thereafter; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section two of chapter eighty-seven of the acts of nineteen hundred and thirty-nine is hereby amended by striking out, in the fifth line, the word "forty" and inserting in place

thereof the word:—forty-two,—and by striking out, in the thirteenth, fifteenth and eighteenth lines, the word “forty-one” and inserting in place thereof, in each instance, the word:—forty-three,—so as to read as follows:—*Section 2.* Wherever in clauses third and sixteenth of section fifty-four of chapter one hundred and sixty-eight of the General Laws a number of fiscal years is mentioned, the fiscal years beginning in the years nineteen hundred and thirty-one to nineteen hundred and forty-two, both inclusive, shall be excluded from the count, if the inclusion of such years or any one or more of them would render any security of any railroad company ineligible for investment, and all railroad securities which were eligible for investment by savings banks on January first, nineteen hundred and thirty-one, or have become eligible for such investment since that date, or shall hereafter, prior to July first, nineteen hundred and forty-three, become eligible for such investment, shall continue to be eligible for such investment until July first, nineteen hundred and forty-three; provided, that the securities of a railroad company defaulting at any time between January first, nineteen hundred and thirty-one, and June thirtieth, nineteen hundred and forty-three, both dates inclusive, in the payment of matured principal or interest of any of its mortgage or funded indebtedness shall not be eligible for such investment; and provided, further, that the securities of any railroad company which, as shown by its reports to the Interstate Commerce Commission, has failed to earn a net income as defined by said commission in any three of the five fiscal years immediately preceding the date of investment, shall in no event be eligible for such investment.

Approved March 20, 1941.

AN ACT PROVIDING FOR THE TEMPORARY SUSPENSION OF
PAYMENTS ON CERTAIN SHARES OF CO-OPERATIVE BANKS
OWNED BY PERSONS ENGAGED IN THE MILITARY OR NAVAL
SERVICE OF THE UNITED STATES, OR BY THEIR DEPENDENTS. *Chap. 116*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for deferment of payments on certain shares of co-operative banks owned by persons engaged in the military or naval service of the United States during the present national emergency, or owned by certain dependents of such persons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter one hundred and seventy of the General Laws is hereby amended by inserting after section seventeen, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, the following new section:—*Section 17A.* For the accommodation of any owner of serial shares not pledged for a real estate loan who

G. L. (Ter.
Ed.), 170, new
section 17A,
inserted.

Temporary
suspension of
payments by

soldiers and
sailors author-
ized.

is actually engaged in the military or naval service of the United States, or who is the wife or a dependent member of the family of a person so engaged, the directors, at the request of such shareholder, may cause such shares to be cancelled, whereupon there shall be transferred to a deferred share account as a credit of such shareholder the full value of such shares, less all monthly installments of interest and fines in arrears and less the amount of the unpaid balance of any share loan at that time secured by the shares so cancelled. So long as such credit remains in such deferred share account, no further monthly payments of any amount on account of such shares shall be required, nor shall any fines be imposed, and dividends shall be credited thereto at the regular dividend dates at the same rate that prevails on the serial shares. Deferment of payments as aforesaid shall extend for such period or periods, not exceeding two years at any one time, as may be determined by the directors, and at the termination of such period or periods of deferment the shareholder shall be required by the directors to reinvest such portion of the accumulation as he may elect in serial shares and withdraw that portion not so reinvested. Upon failure of the shareholder to do so, the accumulated balance shall be transferred to the suspended share account and thereafter shall cease to participate in any profits.

Approved March 20, 1941.

Chap. 117 AN ACT RELATIVE TO INSCRIPTIONS ON THE FLAG OF THE UNITED STATES OR OF MASSACHUSETTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 264, § 5,
etc., amended.

Penalty for
misuse of flag.

SECTION 1. Chapter two hundred and sixty-four of the General Laws is hereby amended by striking out section five, as most recently amended by chapter fifty-six of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 5.* Whoever publicly mutilates, tramples upon, defaces or treats contemptuously the flag of the United States or of Massachusetts, whether such flag is public or private property, or whoever displays such flag or any representation thereof upon which are words, figures, advertisements or designs, or whoever causes or permits such flag to be used in a parade as a receptacle for depositing or collecting money or any other article or thing, or whoever exposes to public view, manufactures, sells, exposes for sale, gives away or has in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise or articles upon which is attached, through a wrapping or otherwise, engraved or printed in any manner, a representation of the United States flag, or whoever uses any representation of the arms or the great seal of the commonwealth for any advertising or commercial purpose, shall be punished by a fine of not less than ten nor more

than one hundred dollars or by imprisonment for not more than one year, or both. Words, figures, advertisements or designs attached to, or directly or indirectly connected with, such flag or any representation thereof in such manner that such flag or its representation is used to attract attention to or advertise such words, figures, advertisements or designs, shall for the purposes of this section be deemed to be upon such flag. Notwithstanding the foregoing, there may be attached to the staff bearing a flag of the United States or of Massachusetts belonging to an organization of veterans of the civil war, to a camp of the United Spanish War Veterans, to a post or department of The American Legion, or to a post or department of the Veterans of Foreign Wars of the United States, or to a post or department of the Jewish War Veterans of the United States, or to a camp or department of the Sons of Union Veterans of the Civil War, or belonging to or used in the service of the United States or the commonwealth, a streamer having inscribed thereon the names of battles and the name and number of the organization to which such flag belongs. For the purposes of this section, a flag shall be deemed to continue to belong to any organization of veterans hereinbefore specified, although such organization has ceased to exist, during such time as it remains in the lawful ownership or custody of any other of the afore-said organizations or of the commonwealth or of any political subdivision thereof, or of any patriotic or historical society incorporated under the laws of the commonwealth or determined by the adjutant general to be a proper custodian thereof.

SECTION 2. This act shall not apply to inscriptions authorized by any provision of said section five of chapter two hundred and sixty-four of the General Laws, as in effect immediately prior to the effective date of this act, placed on the flag of the United States or of Massachusetts prior to such effective date.

Application of
act restricted.

Approved March 20, 1941.

AN ACT PROVIDING FOR THE ISSUE TO EMPLOYERS OF GENERAL OR BLANKET POLICIES OF ACCIDENT OR HEALTH INSURANCE THE PREMIUMS ON WHICH ARE PAID SOLELY BY THE EMPLOYEES COVERED BY SUCH POLICIES.

Chap. 118

Be it enacted, etc., as follows:

Section one hundred and ten of chapter one hundred and seventy-five of the General Laws, as amended by chapter one hundred and thirty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "jointly" in the fourteenth line, as appearing in the Tercentenary Edition, the words: —, or by the employees, — so as to read as follows: — *Section 110.* Nothing in the two preceding sections shall apply to or affect any general or blanket policy of insurance issued to any employer, whether an individual, corporation, co-part-

G. L. (Ter.
Ed.), 175,
§ 110, etc.,
amended.

Certain sections not
applicable to
certain policies
of insurance.

nership, or association, or to any municipal corporation or department thereof, or to a police or fire department, or to any college, school or other institution of learning or to the head or principal thereof, or to any organization for health, recreational or military instruction or treatment, underwriters' corps, salvage bureau or like organization, where the officers, members or employees or classes or departments thereof or the students or patients are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation, course of instruction or treatment, or otherwise, for a premium intended to cover the risks of all the persons insured under such policy. Where the premium is to be paid by the employer and the employees jointly, or by the employees, and the benefits of the policy are offered to all eligible employees, a policy covering not less than seventy-five per cent of such employees, or covering members of an association of such employees if the members so insured in fact constitute not less than seventy-five per cent of all eligible employees, shall be considered a general or blanket policy within the meaning of this section. Such a policy issued to an employer may also insure dependents of employees insured thereunder, in respect to medical, surgical and hospital expenses.

Approved March 20, 1941.

Chap. 119 AN ACT RELATIVE TO RULES AND REGULATIONS CONCERNING THE MANUFACTURE, BOTTLING AND SALE OF CERTAIN NON-ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 94,
§ 10F, etc.,
amended.

Penalties.

Section ten F of chapter ninety-four of the General Laws, inserted by chapter four hundred and forty-one of the acts of nineteen hundred and thirty-five, is hereby amended by striking out, in the second line, the letter "D" and inserting in place thereof the letter: — E, — so as to read as follows: — *Section 10F.* Whoever violates any provision of sections ten A to ten E, inclusive, or of any rule or regulation made thereunder, shall be punished for a first offence by a fine of not more than one hundred dollars and for a subsequent offence by a fine of not more than five hundred dollars.

Approved March 20, 1941.

Chap. 120 AN ACT AUTHORIZING THE TOWN OF WATERTOWN TO USE A PORTION OF THE MONEY RECEIVED FROM THE SALE OF THE OLD TOWN HALL SITE FOR REMODELING THE NORTH BRANCH LIBRARY IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Watertown is hereby authorized to use the money received from the sale of the old town hall site, to an amount not exceeding nineteen thousand seven hundred and fifty dollars, for the purpose of remodeling the

North Branch library in said town, notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1941.

AN ACT DESIGNATING THE CHICKADEE AS THE STATE BIRD *Chap.121*
AND THE AMERICAN ELM AS THE STATE TREE.

Be it enacted, etc., as follows:

Chapter two of the General Laws is hereby amended by adding at the end the two following new sections: — *Section 8.* The American elm (*Ulmus americana*) shall be the tree or tree emblem of the commonwealth.

Section 9. The chickadee (*Penthestes atricapillus*) shall be the bird or bird emblem of the commonwealth.

Approved March 21, 1941.

G. L. (Ter. Ed.), 2, new sections 8 and 9 inserted.
Tree of the commonwealth.
Bird of the commonwealth.

AN ACT RELATIVE TO THE TERM OF OFFICE OF THE SUPER- *Chap.122*
INTENDENT OF THE WATER DEPARTMENT IN THE CITY OF
CHICOPEE.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and thirty-nine of the acts of eighteen hundred and ninety-seven is hereby amended by striking out section forty-five and inserting in place thereof the following: — *Section 45.* The board of water commissioners shall appoint a superintendent of the water department, who shall not be one of their own number, and who shall perform such duties as may be required by ordinance, and such further duties as said board may from time to time require. Said superintendent shall receive such compensation as shall be determined by the board of aldermen. The members of the board of water commissioners shall serve without compensation.

SECTION 2. The provisions of this act shall apply to the incumbent of the office of superintendent of the water department in said city on the effective date of this act as well as to persons thereafter appointed to said office.

Approved March 21, 1941.

AN ACT AUTHORIZING THE CITY OF LYNN TO FUND CERTAIN *Chap.123*
INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet certain loans issued in the year nineteen hundred and forty under clause (9) of section eight of chapter forty-four of the General Laws, the city of Lynn may borrow during the current year such sums, not exceeding, in the aggregate, two hundred thousand dollars, as may be necessary, and may

issue bonds or notes therefor, which shall bear on their face the words, City of Lynn Funding Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1941.

Chap. 124 AN ACT RELATIVE TO CERTAIN LINES, POLES AND OTHER EQUIPMENT OF THE ELECTRIC LIGHT DEPARTMENT OF THE TOWN OF WAKEFIELD, AND OF NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. All lines for the transmission of electricity for light, heat or power heretofore acquired or constructed by the electric light department of the town of Wakefield, and all lines for the transmission of intelligence by electricity heretofore acquired or constructed by New England Telephone and Telegraph Company in said town, upon, along, over or under the public ways and places of said town, and the poles, piers, abutments, conduits and other fixtures necessary to sustain or protect the wires of said lines, and in actual use on the effective date of this act, are hereby made lawful notwithstanding the lack of any valid locations therefor or any informality in the proceedings relative to their location and erection; provided, that the validation aforesaid shall not be effective as to the lines, structures or fixtures aforesaid of such department or company in said town unless such department or company shall, not later than December thirty-first, nineteen hundred and forty-one, file with the clerk of said town a map or maps showing the location and nature of the said lines, structures and fixtures in said town; such map or maps to be recorded and kept with the records of original locations for poles and wires in said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1941.

Chap. 125 AN ACT AUTHORIZING THE SIMPLEX WIRE AND CABLE COMPANY TO CONSTRUCT AND MAINTAIN A BRIDGE OVER SIDNEY STREET IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Upon petition, and after seven days' notice inserted in at least one newspaper published in the city of Cambridge and a public hearing thereon, the city council of said city, by a two thirds vote, with the approval of the

mayor, may grant and issue a permit to Simplex Wire and Cable Company, a corporation duly established and existing under the laws of this commonwealth, its successors and assigns, to construct and maintain a bridge over Sidney street in said city, at a point where said corporation owns the land in fee on opposite sides of said street and also the fee in that part of said street to be crossed by said bridge, for the purpose of connecting buildings owned and occupied by said corporation on opposite sides of said street. Said permit shall be granted upon the condition of such ownership and such further conditions and subject to such restrictions as the city council may prescribe. Any permit granted hereunder may be revoked by vote of said city council, with the approval of the mayor.

SECTION 2. Any bridge constructed under a permit granted as aforesaid shall be constructed and maintained at a height not less than thirty-five feet above the grade line of said street and shall not be more than ten feet in width. No part of said bridge or its supports shall rest on the surface of said street, nor shall any such bridge be constructed or maintained over any portion of said street not owned in fee by said corporation without the written consent of the owners of such portion in each instance.

SECTION 3. If a traveler on the highway, while in the exercise of due care, sustains bodily injury or damage in his property by reason of the construction or maintenance of said bridge, he may recover damages therefor in an action of tort brought in the superior court against said Simplex Wire and Cable Company, or its successors or assigns, within one year after the date of such injury or damage; provided, that such notice of the time, place and cause of said injury or damage be given to said Simplex Wire and Cable Company, or its successors or assigns, by, or on behalf of, the person sustaining the same as is, under the provisions of chapter eighty-four of the General Laws, valid and sufficient in cases of injury or damage sustained by reason of a defect or a want of repair in or upon a way, if such defect or want of repair is caused by or consists in part of snow or ice, or both. The remedy herein provided shall not be exclusive, but shall be in addition to any other remedy provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1941.

AN ACT AUTHORIZING THE TOWN OF MONSON TO BORROW
MONEY AND TO USE CERTAIN FUNDS ON HAND FOR THE
PURPOSE OF MAKING NECESSARY ALTERATIONS TO AND
REPAIRS OF ITS HIGH SCHOOL BUILDING. Chap. 126

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making necessary alterations to and repairs of its high school building, the town of Monson may borrow from time to time, within a period of

three years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirteen thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Monson School Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, inclusive of the limitation contained in the first paragraph of section seven thereof.

The said town is further authorized to use toward said alterations and repairs money on hand received from the sale of real estate and also the balance of the old high school construction loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1941.

Chap.127 AN ACT AUTHORIZING THE SUDBURY WATER DISTRICT OF SUDBURY TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of extending its water mains and improving its water distribution facilities, the Sudbury water district of Sudbury may borrow, from time to time within five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, fifteen thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Sudbury Water District Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates. Indebtedness incurred hereunder shall be outside the statutory limit of indebtedness, but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1941.

Chap.128 AN ACT AUTHORIZING THE BOSTON WOVEN HOSE AND RUBBER COMPANY TO CONSTRUCT AND MAINTAIN A BRIDGE OVER BINNEY STREET IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. Upon petition, and after seven days' notice inserted in at least one newspaper published in the city of Cambridge and a public hearing thereon, the city council of said city, by a two thirds vote, with the approval of the mayor, may grant and issue a permit to Boston Woven Hose and Rubber Company, a corporation duly established and existing under the laws of this commonwealth, its successors and assigns, to construct and maintain a bridge over Binney street in said city, at a point where said corpora-

tion owns the land in fee on opposite sides of said street and also the fee in that part of said street to be crossed by said bridge, for the purpose of connecting buildings owned and occupied by said corporation on opposite sides of said street. Said permit shall be granted upon the condition of such ownership and such further conditions and subject to such restrictions as the city council may prescribe. Any permit granted hereunder may be revoked by vote of said city council, with the approval of the mayor.

SECTION 2. Any bridge constructed under a permit granted as aforesaid shall be constructed and maintained at a height not less than fifteen feet above the grade line of said street and shall not be more than ten feet in width. No part of said bridge or its supports shall rest on the surface of said street, nor shall any such bridge be constructed or maintained over any portion of said street not owned in fee by said corporation without the written consent of the owners of such portion in each instance.

SECTION 3. If a traveler on the highway while in the exercise of due care sustains bodily injury or damage in his property by reason of the construction or maintenance of said bridge, he may recover damages therefor in an action of tort brought in the superior court against said Boston Woven Hose and Rubber Company, or its successors or assigns, within one year after the date of such injury or damage; provided, that such notice of the time, place and cause of the said injury or damage be given to said Boston Woven Hose and Rubber Company, or its successors or assigns, by, or on behalf of, the person or persons sustaining the same as is, under the provisions of chapter eighty-four of the General Laws, valid and sufficient in cases of injury or damage sustained by reason of a defect or a want of repair in or upon a way, if such defect or want of repair is caused by or consists in part of snow or ice, or both. The remedy herein provided shall not be exclusive, but shall be in addition to any other remedy provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1941.

AN ACT FURTHER EXTENDING THE OPPORTUNITY TO CITIES AND TOWNS TO BORROW UNDER THE ACT CREATING THE EMERGENCY FINANCE BOARD. Chap. 129

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-nine of the acts of nineteen hundred and thirty-three is hereby amended by striking out section two, as most recently amended by section one of chapter two hundred and eighty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 2.* The treasurer of any city or town, if authorized by a two thirds vote, as defined by section one of chapter forty-four of the General Laws, and with the ap-

proval of the mayor or the selectmen, may, on behalf of such city or town, petition the board to approve of its borrowing money from the commonwealth for ordinary maintenance expenses and revenue loans, and the board may, if in its judgment the financial affairs of such city or town warrant, grant its approval to the borrowing as aforesaid of specified sums not at any time exceeding, in the aggregate, the total amount represented by tax titles taken or purchased by such city or town and held by it; provided, that such borrowing is made at any time or times prior to July first, nineteen hundred and forty-three. In case of such approval, the treasurer of such city or town shall, without further vote, issue notes, with interest at such rate as may be fixed by the treasurer with the approval of the board, in the amount approved by the board, for purposes of sale to the commonwealth only, and said notes, upon their tender to the state treasurer, shall forthwith be purchased by the commonwealth at the face value thereof. Such notes shall be payable in not more than one year, and may be renewed from time to time, if authorized by the board, but no renewal note shall be for a period of more than one year, and the maturity of any loan or renewal shall not be later than July first, nineteen hundred and forty-four. Such notes shall be general obligations of the city or town issuing the same, notwithstanding the foregoing provisions. Indebtedness incurred by a city or town under authority of this act shall be outside its limit of indebtedness as fixed by chapter forty-four of the General Laws. The excess, if any, of the amount of interest payments received by the commonwealth on account of notes issued by cities and towns hereunder over the cost to the commonwealth for interest on money borrowed under section five, expenses of the board, including compensation paid to its appointive members, and expenses of administration of the funds provided by sections three and five shall be distributed to such cities and towns in November, nineteen hundred and forty-seven, or earlier at the discretion of the board, in the proportion which the aggregate amounts payable by them on account of interest on such notes bear to the total amounts so payable by all cities and towns hereunder.

SECTION 2. Said chapter forty-nine is hereby further amended by striking out section five, as most recently amended by section two of said chapter two hundred and eighty-eight, and inserting in place thereof the following: — *Section 5.* The state treasurer, with the approval of the governor and council, may borrow from time to time, on the credit of the commonwealth, such sums as may be necessary to provide funds for loans to municipalities as aforesaid, and may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rate as shall be fixed by the state treasurer, with the approval of the governor and council; provided, that the total indebtedness of the commonwealth under this section, out-

standing at any one time, shall not exceed twenty-five million dollars. Such notes shall be issued for such maximum term of years as the governor may recommend to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth, but such notes, whether original or renewal, shall be payable not later than November thirtieth, nineteen hundred and forty-seven. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved March 21, 1941.

AN ACT TO PERMIT CERTAIN CITIES AND TOWNS TO PAY FROM THE MUNICIPAL BUILDINGS INSURANCE FUND A PROPER CHARGE FOR INSURING MUNICIPAL BUILDINGS AND OTHER MUNICIPAL PROPERTY AGAINST LOSS OR DAMAGE BY FIRE, LIGHTNING OR OTHERWISE. Chap. 130

Be it enacted, etc., as follows:

Section thirteen of chapter forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 40, § 13, amended.

If a city or town which has established such a fund in accordance with this section has neglected or failed for a period of five consecutive years to appropriate for such fund, for any reason other than that the maximum amount authorized by this section has been accumulated, it may vote appropriations from such fund and the income therefrom for the purpose of paying a proper charge for effecting fire insurance on municipal buildings or other municipal property against loss or damage by fire, lightning or otherwise; provided, that nothing in this paragraph shall prevent any city or town from appropriating money for effecting fire insurance under authority of any other general or special law applicable thereto.

Appropriation for municipal buildings insurance fund.

Approved March 21, 1941.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO PURCHASE ADDITIONAL LAND IN MIDDLETON AND DANVERS, INCLUDING BUILDINGS THEREON AND TO ALTER SUCH BUILDINGS, FOR THE PURPOSES OF THE ESSEX COUNTY AGRICULTURAL SCHOOL. Chap. 131

Be it enacted, etc., as follows:

SECTION 1. For the purposes of purchasing additional land in Middleton and Danvers and of alterations of any buildings thereon, to be used for the purposes of the Essex county agricultural school, the county commissioners of the county of Essex may, from time to time, borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, twenty thousand dollars, and may issue bonds or notes of the county therefor. Each authorized issue shall constitute a separate loan, and such

loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. This act shall take full effect upon its acceptance, prior to December thirty-first in the current year, by the county commissioners of the county of Essex.

Approved March 21, 1941.

Chap. 132 AN ACT FORBIDDING REFUNDS OF FEES PAID FOR DOG LICENSES IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 140, § 139, etc., amended.

Refunds of fees for dog licenses.

Section one hundred and thirty-nine of chapter one hundred and forty of the General Laws, as most recently amended by chapter twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by adding at the end the following new sentence: — No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the commonwealth or other disposal, of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the county under section one hundred and forty-seven.

Approved March 21, 1941.

Chap. 133 AN ACT RELATIVE TO A SPECIAL FORM OF TRANSFER LICENSE TO BE ISSUED IN THE CASE OF THE REMOVAL OF A DOG FROM ONE TOWN TO ANOTHER.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 140, § 146, etc., amended.

License valid throughout state, exceptions.

SECTION 1. Chapter one hundred and forty of the General Laws is hereby amended by striking out section one hundred and forty-six, as amended by section ten of chapter three hundred and twenty of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following section:— *Section 146.* A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent removal of a dog into another town within the commonwealth, the owner or keeper thereof shall, within thirty days after such removal, present the original license and tag of such dog to the clerk of the town to which such dog has been removed, and such clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of twenty-five cents which shall be retained by the clerk unless otherwise provided by law. The provisions of section one hundred and thirty-seven relative to the form and furnish-

ing of licenses and tags shall apply to licenses and tags issued under this section.

SECTION 2. Section one hundred and forty-seven of said chapter one hundred and forty, as amended by section eleven of said chapter three hundred and twenty, is hereby further amended by inserting after the word "blanks" in the thirtieth line the words:— and all licenses and tags taken up in accordance with section one hundred and forty-six, — so as to read as follows:— *Section 147.* The police commissioner of Boston and the clerks of other cities and of towns shall issue said licenses and tags, receive the money therefor and pay it into the treasuries of their respective cities and towns on the first Monday of each month or oftener, retaining, except in Boston, for their own use twenty cents for each license unless otherwise provided by law, and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. The city and town treasurers shall pay into the treasuries of their respective counties, except in the county of Suffolk, on or before June first and December first of each year the amounts received by them on account of such licenses and not previously paid over and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. All such licenses shall bear the date of issue and no other. The police commissioner of Boston and each such city or town clerk shall make a record, in books kept therefor and to be furnished, except in the county of Suffolk, by the county in which such city or town is located, of each license issued by him, of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such books shall be open to public inspection during the usual office hours of such police commissioner or city or town clerk. All blanks for such licenses and tags and all such record books shall be paid for out of the dog fund. Each city or town clerk, except in Suffolk county, shall, within thirty days next succeeding April first in each year return to the county all license books and tags furnished for the preceding license year, including all stubs and void licenses and unused license blanks and all licenses and tags taken up in accordance with section one hundred and forty-six. The said police commissioner and any city or town clerk or city or town treasurer violating any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both. If such a city or town clerk neglects or fails to pay such money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the county, with all damages sustained through such neglect or failure, and interest, in an action on the official bond required, in the case of a city clerk, by section thirteen A of chapter forty-one and, in the case of a town clerk, by section

G. L. (Ter. Ed.), 140, § 147, etc., amended.

Issuing of licenses, disposition of fees.

thirteen of said chapter forty-one. All payments required hereunder shall be subject to the provisions of section fifty-two of said chapter forty-one.

Approved March 21, 1941.

Chap. 134 AN ACT RELATIVE TO THE RENEWAL OF CERTAIN TEMPORARY REVENUE LOANS BY CITIES, TOWNS AND DISTRICTS.

Be it enacted, etc., as follows:

Chapter twelve of the acts of nineteen hundred and thirty-five, as most recently amended by chapter sixty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the seventh, eighth and ninth lines, the words "nineteen hundred and thirty-eight, nineteen hundred and thirty-nine or nineteen hundred and forty" and inserting in place thereof the words: — nineteen hundred and forty, nineteen hundred and forty-one or nineteen hundred and forty-two, — so as to read as follows: — Any city, town or district, with the approval of the board specified in clause nine of section eight of chapter forty-four of the General Laws, may extend, for a period or periods not exceeding in the aggregate six months beyond the maximum term provided by law for an original revenue loan, any loan issued in anticipation of the revenue of the year nineteen hundred and forty, nineteen hundred and forty-one or nineteen hundred and forty-two, and the approval as aforesaid of any such extension shall authorize the issue of renewal notes for the period or periods so approved, notwithstanding the provisions of said chapter forty-four. During the time that any such revenue loan, extended as aforesaid, remains outstanding, none of the receipts from the collection of taxes assessed by such city, town or district for the year against the revenue of which such loan was issued or for prior years shall be appropriated for any purpose without the approval of the board.

Approved March 21, 1941.

Chap. 135 AN ACT REQUIRING CLERKS OF DISTRICT COURTS TO FURNISH TO THE DIRECTOR OF CIVIL SERVICE INFORMATION RELATIVE TO CERTAIN PETITIONS BROUGHT UNDER THE CIVIL SERVICE LAWS IN SUCH COURTS.

Be it enacted, etc., as follows:

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-five A, inserted by chapter one hundred and ninety of the acts of nineteen hundred and thirty-four, the following new section: — *Section 45B.* Each clerk of a district court shall, annually on or before October fifteenth, make a written report to the director, containing the following information: — number of petitions brought before his court under sections forty-two B and forty-five of this chapter during the year ending on the next preceding September thirtieth, the position and place of employment

G. L. (Ter. Ed.), 31, new section 45B, added.

Reports of certain petitions by clerks of district courts.

of each petitioner, the nature of the action sought to be reviewed in each case, and the decision, if any, of the court in each such case, together with all decisions of the court in all cases brought under said sections which were pending and undecided at the beginning of said year.

Approved March 21, 1941.

AN ACT FURTHER REGULATING THE SEPARATION FROM THE
CLASSIFIED CIVIL SERVICE OF PERSONS FORMERLY RECEIVING
WORKMEN'S COMPENSATION. Chap.136

Be it enacted, etc., as follows:

The last paragraph of section forty-six E of chapter thirty-one of the General Laws, as most recently amended by section forty-seven of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the second and third lines, as appearing in chapter two hundred and ninety-seven of the acts of nineteen hundred and thirty-six, the words "for a period not exceeding three years", — so as to read as follows: —

G. L. (Ter.
Ed.), 31,
§ 46E, etc.,
amended.

If a person in the classified civil service, whether official or labor, who is unable to work because of injuries received in the performance of duty and on account of which compensation under chapter one hundred and fifty-two is paid, not later than six months after the final payment of compensation aforesaid gives to the director written notice that he is ready, willing and able to do his former work, and presents to him a certificate of a registered physician, approved by the director, that he is physically fit to efficiently perform the duties of his position, he shall not be deemed, by reason of such inability to work, to have become separated from such service, and any seniority rights to which he was entitled at the time of receiving such injuries shall be preserved.

Leave of
absence on
account of
illness.

Approved March 21, 1941.

AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE SUPER-
INTENDENT OF OUTDOOR WORK OF THE BOARD OF PUBLIC
WORKS IN THE CITY OF HOLYOKE. Chap.137

Be it enacted, etc., as follows:

SECTION 1. The tenure of office of any incumbent of the office of superintendent of outdoor work of the board of public works in the city of Holyoke shall be unlimited, subject, however, to the civil service laws and rules and regulations, notwithstanding any provisions in the charter of said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1941.

Chap. 138 AN ACT RELATIVE TO THE MEETINGS OF THE ADVISORY
BOARD OF EDUCATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 15, § 3,
amended.

Advisory
board.

Section three of chapter fifteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "month" in the third line the words: —, except during June, July and August, — so as to read as follows: — *Section 3.* The governor, with the advice and consent of the council, shall annually appoint two members of the board for three years each. The board shall meet at least once a month, except during June, July and August, and at such other times as it may determine by rule and when requested by the commissioner or by any three members. The members of the board shall serve without compensation, but shall be reimbursed for their actual necessary expenses incurred in the performance of their duties.

Approved March 22, 1941

Chap. 139 AN ACT RELATIVE TO THE DATES AS OF WHICH AMOUNTS
TO BE PAID OR REPAID ON ACCOUNT OF DEFICITS IN THE
COSTS OF OPERATION OF THE BOSTON ELEVATED RAILWAY
COMPANY SHALL BE DETERMINED.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen is hereby amended by striking out section eleven, as most recently amended by section one of chapter ninety-nine of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 11.* If, as of the last day of June in the year nineteen hundred and nineteen, or as of the last day of any June thereafter to and including the last day of June in the year nineteen hundred and thirty-four, or as of the last day of March in any year after the year nineteen hundred and thirty-four to and including the last day of March in the year nineteen hundred and forty-one, or as of the last day of December in the year nineteen hundred and forty-one, or as of the last day of December in any year after the year nineteen hundred and forty-one, the amount remaining in the reserve fund shall be insufficient to meet the deficiency mentioned in section nine, it shall be the duty of the trustees to notify the treasurer and receiver general of the commonwealth of the amount of such deficiency, less the amount, if any, in the reserve fund applicable thereto, and the commonwealth shall thereupon pay over to the company the amount so ascertained. Pending such payment it shall be the duty of the trustees to borrow such amount of money as may be necessary to enable them to make all payments, including dividend payments, as they become due. If, as of the last day of any

June in any year after the year nineteen hundred and nineteen to and including the last day of June in the year nineteen hundred and thirty-four, or as of the last day of March in any year after the year nineteen hundred and thirty-four to and including the last day of March in the year nineteen hundred and forty-one, or as of the last day of December in the year nineteen hundred and forty-one, or as of the last day of December in any year after the year nineteen hundred and forty-one, during the period of public operation, the reserve fund shall exceed the amount originally established, the trustees shall apply the excess, so far as necessary, to reimbursing the commonwealth for any amounts which it may have paid to the company under the provisions hereof, and the commonwealth shall thereupon distribute the amount so received among the cities and towns in which the company operates, in proportion to the amounts which they have respectively been assessed as provided in section fourteen.

In order to meet any payment required of the commonwealth under the provisions of this section the treasurer and receiver general may borrow at any time, in anticipation of the assessments to be levied upon the cities and towns, such sums of money as may be necessary to make said payments, and he shall repay any sums so borrowed as soon after said assessments are paid as is expedient.

SECTION 2. This act shall take full effect upon its acceptance by the Boston Elevated Railway Company by vote of its board of directors and upon the filing of a certificate of such acceptance with the state secretary; provided, that such acceptance and filing occur during the current year.

Approved March 25, 1941.

AN ACT PROVIDING FOR MODIFICATION OF THE TERMS AND CONDITIONS UNDER WHICH THE BOSTON ELEVATED RAILWAY COMPANY IS USING CERTAIN ALTERATIONS IN AND EXTENSIONS TO THE BOYLSTON STREET SUBWAY AND MAKING CERTAIN CHANGES RELATIVE TO PAYMENTS IN CONNECTION WITH SUCH USE.

Chap. 140

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and forty-one of the acts of nineteen hundred and twenty-five, as most recently amended by section one of chapter one hundred of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the words inserted by said section one of said chapter one hundred and inserting in place thereof the following: — The rental shall be payable annually on the twenty-fifth day of July in each year to and including the year nineteen hundred and thirty-four, and on the twenty-fifth day of April in each year thereafter to and including the year nineteen hundred and forty-

one, and on the twenty-fifth day of January in each year thereafter. Any alteration or extension made under this act shall be deemed a part of the Boylston Street subway. Such contract for use shall provide that the company shall pay to the city of Boston for each full year ending with the last day of June to and including the last day of June, nineteen hundred and thirty-four, and ratably for the nine months' period commencing on July first, nineteen hundred and thirty-four, and ending with the last day of March, nineteen hundred and thirty-five, and for each full year ending with the last day of March thereafter to and including the year nineteen hundred and forty-one, and ratably for the nine months' period commencing on April first, nineteen hundred and forty-one and ending with the last day of December, nineteen hundred and forty-one, and for each full year thereafter, and ratably for any portion of a year, an annual rental, which shall be sufficient to provide an amount equal to one half of one per cent of the net cost of such alterations and extensions in addition to the annual amount of interest on the subway bonds issued to pay for said net cost, but not less than four and one half per cent of said net cost in any event; provided, that said annual rental shall be payable by the company in any year only if and to the extent that the reserve fund provided for by section five of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen exceeds on the last day of June in any year to and including the year nineteen hundred and thirty-four or on the last day of March in any year thereafter to and including the year nineteen hundred and forty-one, or on the last day of December, nineteen hundred and forty-one, or on the last day of December in any year thereafter, the amount originally established, such excess to be determined and obligation to pay such rental to accrue in priority to any reimbursement of the commonwealth under sections eleven and thirteen of said chapter one hundred and fifty-nine. If by virtue of the foregoing proviso the company does not make the full rental payments as above provided, the commonwealth shall, during the term of said contract and until the subway bonds issued by the city of Boston under this section shall have been paid, or a sinking fund accumulated sufficient to pay the same at maturity, pay to the city of Boston on or before August first in each year to and including the year nineteen hundred and thirty-four, and on or before May first in each year thereafter to and including the year nineteen hundred and forty-one, and on or before February first in each year thereafter, one half of any amounts so unpaid, and the city of Boston shall place the other half in its next ensuing tax levy.

SECTION 2. Said chapter three hundred and forty-one is hereby further amended by striking out section three, as most recently amended by section two of said chapter one hundred, and inserting in place thereof the following

section: — *Section 3.* If, as of the last day of June in any year to and including the year nineteen hundred and thirty-four, or as of the last day of March in any year thereafter to and including the year nineteen hundred and forty-one, or as of the last day of December, nineteen hundred and forty-one, or as of the last day of December in any year thereafter, during the period of public operation of the company under the provisions of said chapter one hundred and fifty-nine, the reserve fund provided for in said chapter shall, after deducting the amount of the rental herein provided for, exceed the amount originally established, the trustees of the Boston Elevated Railway Company shall apply the excess, so far as necessary, to reimburse the commonwealth for all amounts paid by the commonwealth to the city of Boston under the provisions of section two of this act, and in priority to any reimbursement of the commonwealth under sections eleven and thirteen of said chapter one hundred and fifty-nine.

SECTION 3. Said chapter three hundred and forty-one is hereby further amended by striking out section five, inserted by section three of chapter three hundred and ninety-four of the acts of nineteen hundred and thirty, and as amended by section three of said chapter one hundred, and inserting in place thereof the following section: — *Section 5.* Upon and after such termination of public operation, the company shall, on or before the thirty-first day of January in each year, report to the state treasurer the amount, if any, by which said reserve fund on the preceding thirty-first day of December, after deducting the amount of the rental herein provided for, exceeded the amount originally established, and the company shall thereupon pay over such excess in so far as necessary to reimburse the commonwealth for all amounts paid after such termination of public operation by the commonwealth to the city of Boston under the provisions of section two of this act. If the state treasurer or the attorney general is not satisfied as to the correctness of said report, either may, at any time within sixty days after its receipt, petition the department of public utilities for a determination of such excess and said department shall determine the same. If the amount of such excess, so determined, is greater than the amount originally reported, the balance shall be paid by the company to the commonwealth within twenty days from the date of such determination.

SECTION 4. The acceptance of this act by the Boston Elevated Railway Company and the city of Boston, as hereinafter provided, shall constitute an agreement on the part of the city and the company to execute a contract modifying, in accordance with the provisions of this act, the existing contract between the city and the company for the use of the alterations and extensions of the Boylston Street subway made pursuant to the provisions of said chapter three hundred and forty-one, as amended.

SECTION 5. This act shall take full effect upon its acceptance both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors, and upon filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur during the current year.

Approved March 25, 1941.

Chap. 141 AN ACT ESTABLISHING THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES.

Emergency
preamble.

Whereas, It is essential to the determination of the municipal tax rates that any new basis of apportionment of the state and county taxes be fixed promptly, and the deferred operation of this act would cause great inconvenience in the determination of such tax rates, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The number of polls, the amount of property and the proportion of every thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the commonwealth, as contained in the following schedule, are hereby established, and shall constitute a basis of apportionment for state and county taxes for the years nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three, or until another is made and enacted by the general court, to wit:

POLLS, PROPERTY AND APPORTIONMENT OF STATE AND COUNTY TAX.

BARNSTABLE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	2,930	\$27,511,746	\$3 87
Bourne	1,186	9,968,613	1 42
Brewster	260	2,400,307	34
Chatham	768	7,356,587	1 03
Dennis	710	4,999,999	72
Eastham	215	1,500,159	22
Falmouth	2,288	23,511,710	3 29
Harwich	898	7,525,867	1 07
Mashpee	152	1,030,845	15
Orleans	537	4,300,523	61
Provincetown	1,345	5,050,139	79
Sandwich	521	2,850,762	42

BARNSTABLE COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Truro	206	\$1,879,961	\$0 27
Wellfleet	286	2,302,284	33
Yarmouth	793	6,609,296	94
Totals	13,095	\$108,798,798	\$15 47

BERKSHIRE COUNTY.

Adams	4,526	\$10,353,282	\$1 80
Alford	76	341,637	05
Becket	254	753,827	12
Cheshire	551	1,203,046	21
Clarksburg	494	818,453	16
Dalton	1,374	7,537,630	1 12
Egremont	171	1,109,026	16
Florida	140	1,601,970	22
Great Barrington	2,144	9,323,827	1 43
Hancock	141	451,747	07
Hinsdale	420	999,409	17
Lanesborough	461	1,513,597	24
Lee	1,434	5,519,705	86
Lenox	995	5,864,087	86
Monterey	113	905,778	13
Mount Washington	18	225,000	03
New Ashford	31	181,300	03
New Marlborough	335	1,327,554	21
North Adams	7,218	22,009,172	3 58
Otis	147	714,531	11
Peru	47	250,500	04
Pittsfield	16,624	64,904,723	10 10
Richmond	199	811,001	13
Sandisfield	186	756,199	12
Savoy	116	200,000	04
Sheffield	635	1,731,435	29
Stockbridge	658	4,632,283	67
Tyringham	81	505,619	07
Washington	82	222,599	04
West Stockbridge	378	1,410,828	22
Williamstown	1,525	7,569,804	1 14
Windsor	127	506,312	08
Totals	41,701	\$156,255,881	\$24 50

BRISTOL COUNTY.

Acushnet	1,336	\$3,494,520	\$0 59
Attleboro	7,483	27,289,726	4 30
Berkley	370	1,009,117	17
Dartmouth	3,070	11,982,928	1 87

BRISTOL COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Dighton	907	\$3,565,579	\$0 55
Easton	1,923	5,297,859	88
Fairhaven	3,500	11,887,571	1 90
Fall River	36,071	111,605,228	18 12
Freetown	554	1,520,660	25
Mansfield	2,262	7,999,210	1 27
New Bedford	35,976	117,842,417	18 93
North Attleborough	3,631	10,973,303	1 79
Norton	1,065	2,693,533	46
Raynham	733	2,027,933	34
Rehoboth	1,011	2,833,923	47
Seekonk	1,568	5,818,409	91
Somerset	1,949	13,255,364	1 92
Swansea	1,616	4,469,235	74
Taunton	11,756	36,744,726	5 96
Westport	1,412	5,563,345	86
Totals	118,193	\$387,874,586	\$62 28

COUNTY OF DUKES COUNTY.

Chilmark	84	\$750,012	\$0 11
Edgartown	487	5,009,296	70
Gay Head	46	170,000	03
Gosnold	47	1,300,000	17
Oak Bluffs	540	5,001,862	70
Tisbury	541	6,004,971	84
West Tisbury	84	900,041	13
Totals	1,829	\$19,136,182	\$2 68

ESSEX COUNTY.

Amesbury	3,609	\$9,540,327	\$1 60
Andover	3,670	18,869,897	2 82
Beverly	7,688	41,301,949	6 14
Boxford	291	1,501,457	22
Danvers	3,687	14,187,012	2 21
Essex	557	1,420,746	24
Georgetown	751	2,000,827	34
Gloucester	8,212	39,739,139	5 99
Groveland	729	1,602,082	28
Hamilton	691	5,808,344	82
Haverhill	15,821	51,074,572	8 23
Ipswich	2,074	7,049,345	1 12
Lawrence	28,338	99,521,119	15 78
Lynn	30,455	141,590,933	21 46
Lynnfield	855	4,745,760	70
Manchester	875	11,537,071	1 59

ESSEX COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Marblehead	3,769	\$22,688,246	\$3 33
Merrimac	831	1,658,066	30
Methuen	7,204	21,012,605	3 45
Middleton	541	2,205,846	34
Nahant	708	6,061,675	86
Newbury	563	2,513,309	38
Newburyport	4,673	12,579,737	2 10
North Andover	2,654	8,390,377	1 36
Peabody	7,554	23,720,533	3 84
Rockport	1,336	6,090,535	93
Rowley	524	1,500,095	25
Salem	13,013	59,656,039	9 06
Salisbury	971	3,048,821	49
Saugus	4,966	16,269,296	2 61
Swampscott	3,606	25,239,157	3 64
Topsfield	345	3,306,444	46
Wenham	459	4,006,175	57
West Newbury	473	1,504,667	24
Totals	162,493	\$672,942,203	\$103 75

FRANKLIN, COUNTY.

Ashfield	321	\$1,313,109	\$0 20
Bernardston	305	1,004,742	16
Buckland	524	3,073,596	45
Charlemont	229	1,006,096	15
Colrain	519	1,663,200	27
Conway	295	1,106,305	17
Deerfield	999	4,539,258	69
Erving	452	2,370,149	35
Gill	358	1,004,894	17
Greenfield	5,305	31,721,746	4 66
Hawley	96	250,676	04
Heath	102	400,000	06
Leverett	200	514,052	09
Leyden	96	326,095	05
Monroe	87	1,135,849	16
Montague	2,582	10,577,743	1 63
New Salem	140	350,044	06
Northfield	628	2,027,305	33
Orange	1,898	4,999,999	84
Rowe	82	764,246	11
Shelburne	526	3,535,558	51
Shutesbury	83	400,086	06
Sunderland	355	1,303,679	21
Warwick	148	350,077	06
Wendell	133	310,623	05
Whately	372	1,503,192	23
Totals	16,835	\$77,552,319	\$11 76

HAMPDEN COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Agawam	2,529	\$9,464,736	\$1 48
Blandford	193	900,000	14
Brimfield	367	1,108,698	18
Chester	471	1,390,833	23
Chicopee	13,403	40,532,371	6 61
East Longmeadow	1,204	4,517,286	71
Granville	251	2,025,032	29
Hampden	368	1,003,188	17
Holland	90	300,000	05
Holyoke	17,722	84,276,130	12 73
Longmeadow	1,764	18,063,128	2 53
Ludlow	2,500	8,096,060	1 30
Monson	1,319	3,278,308	56
Montgomery	58	300,000	05
Palmer	2,960	7,509,604	1 27
Russell	390	3,712,397	52
Southwick	567	2,532,267	39
Springfield	48,451	274,096,171	40 50
Tolland	50	456,998	06
Wales	148	312,873	06
West Springfield	5,576	26,775,167	4 04
Westfield	6,613	21,411,990	3 45
Wilbraham	1,101	3,147,078	52
Totals	108,095	\$515,210,315	\$77 84

HAMPSHIRE COUNTY.

Amherst	2,098	\$10,078,382	\$1 52
Belchertown	835	1,670,715	30
Chesterfield	153	604,065	09
Cummington	198	602,341	10
Easthampton	3,424	11,156,071	1 79
Goshen	93	402,077	06
Granby	380	1,105,449	18
Hadley	888	3,006,417	48
Hatfield	802	2,808,683	45
Huntington	483	1,121,810	19
Middlefield	89	353,960	06
Northampton	7,095	28,093,088	4 36
Pelham	163	751,307	11
Plainfield	76	350,730	05
South Hadley	2,174	9,505,460	1 45
Southampton	353	1,008,180	17
Ware	2,584	6,397,433	1 09
Westhampton	122	501,412	08
Williamsburg	582	1,534,140	26
Worthington	191	801,794	12
Totals	22,783	\$81,853,514	\$12 91

MIDDLESEX COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Acton	910	\$4,053,820	\$0 62
Arlington	12,567	62,291,083	9 36
Ashby	389	1,094,404	18
Ashland	936	2,748,305	45
Ayer	991	4,036,057	62
Bedford	748	2,671,393	42
Belmont	8,295	53,928,552	7 84
Billerica	2,423	9,387,404	1 46
Boxborough	136	400,000	07
Burlington	806	2,523,951	41
Cambridge	34,793	185,183,274	27 57
Carlisle	223	1,190,568	18
Chelmsford	2,657	8,024,478	1 31
Concord	2,293	12,662,863	1 88
Dracut	2,249	4,349,999	79
Dunstable	136	500,000	08
Everett	14,936	74,739,013	11 21
Frammingham	7,217	36,658,254	5 49
Groton	936	4,797,975	72
Holliston	1,003	3,949,390	61
Hopkinton	922	3,559,896	56
Hudson	2,730	7,014,446	1 19
Lexington	3,631	25,151,469	3 63
Lincoln	635	4,012,412	59
Littleton	614	3,094,689	46
Lowell	29,326	98,695,325	15 77
Malden	18,730	75,392,344	11 68
Marlborough	5,110	16,560,498	2 67
Maynard	2,605	7,482,680	1 23
Medford	20,060	85,174,878	13 08
Melrose	8,191	40,499,163	6 09
Natick	4,647	21,435,770	3 25
Newton	22,061	172,938,145	24 70
North Reading	940	2,465,653	41
Pepperell	1,024	3,228,529	52
Reading	3,654	18,354,846	2 75
Sherborn	374	3,020,359	43
Shirley	754	2,413,605	39
Somerville	32,088	108,968,401	17 38
Stoneham	3,541	16,141,913	2 45
Stow	454	1,851,999	29
Sudbury	625	4,023,046	59
Tewksbury	1,119	4,849,999	74
Townsend	709	2,665,340	42
Tyngsborough	483	1,501,366	24
Wakefield	5,315	22,224,041	3 42
Waltham	12,020	56,699,546	8 58
Watertown	10,731	55,852,348	8 34
Wayland	1,206	6,035,634	91
Westford	1,096	4,595,415	71
Weston	1,503	11,033,179	1 59
Wilmington	1,590	4,500,000	74
Winchester	4,441	35,215,980	5 02
Woburn	6,165	22,544,900	3 55
Totals	303,738	\$1,424,388,597	\$215 64

NANTUCKET COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Nantucket . . .	1,135	\$13,074,868	\$1 81
Totals . . .	1,135	\$13,074,868	\$1 81

NORFOLK COUNTY.

Avon . . .	701	\$2,035,430	\$0 34
Bellingham . . .	1,079	2,651,434	45
Braintree . . .	5,605	28,099,834	4 22
Brookline . . .	15,956	156,679,693	21 97
Canton . . .	2,081	9,414,591	1 43
Cohasset . . .	1,125	10,578,029	1 49
Dedham . . .	5,308	27,249,029	4 08
Dover . . .	454	6,024,926	83
Foxborough . . .	1,419	6,283,693	96
Franklin . . .	2,300	9,384,424	1 45
Holbrook . . .	1,031	3,650,191	58
Medfield . . .	780	3,052,462	48
Medway . . .	1,164	3,195,839	53
Millis . . .	771	3,266,939	50
Milton . . .	6,216	42,276,230	6 12
Needham . . .	4,176	26,366,935	3 85
Norfolk . . .	411	1,629,391	25
Norwood . . .	5,232	27,750,526	4 13
Plainville . . .	559	1,635,463	27
Quincy . . .	24,561	134,248,237	19 92
Randolph . . .	2,405	7,410,426	1 20
Sharon . . .	1,258	6,461,237	97
Stoughton . . .	2,942	9,531,021	1 53
Walpole . . .	2,596	17,633,929	2 55
Wellesley . . .	4,482	46,080,595	6 44
Westwood . . .	1,177	7,538,322	1 10
Weymouth . . .	7,768	53,053,332	7 68
Wrentham . . .	896	3,950,331	60
Totals . . .	104,453	\$657,132,489	\$95 92

PLYMOUTH COUNTY.

Abington . . .	1,928	\$5,799,462	\$0 95
Bridgewater . . .	2,153	6,810,364	1 10
Brockton . . .	21,212	73,285,413	11 65
Carver . . .	562	3,167,201	47
Duxbury . . .	858	8,028,140	1 13
East Bridgewater . . .	1,265	5,068,404	79
Halifax . . .	314	1,721,288	26
Hanover . . .	944	3,870,692	60
Hanson . . .	905	2,725,503	44
Hingham . . .	2,488	17,062,339	2 47
Hull . . .	1,006	17,015,842	2 31

PLYMOUTH COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Kingston	994	\$4,685,687	\$0 71
Lakeville	547	1,501,367	25
Marion	686	5,560,810	79
Marshfield	902	8,528,681	1 20
Mattapoisett . . .	557	3,735,387	54
Middleborough . .	3,125	9,665,433	1 57
Norwell	618	2,558,821	39
Pembroke	665	3,194,796	48
Plymouth	4,650	23,861,326	3 57
Plympton	189	809,624	12
Rochester	467	1,531,658	25
Rockland	2,705	8,857,168	1 42
Scituate	1,474	13,127,582	1 86
Wareham	2,464	14,805,477	2 17
West Bridgewater .	1,104	3,353,940	55
Whitman	2,640	8,662,841	1 39
Totals	57,422	\$258,995,246	\$39 43

SUFFOLK COUNTY.

Boston	250,753	\$1,511,499,729	\$221 67
Chelsea	13,695	45,728,672	7 32
Revere	11,135	39,240,828	6 22
Winthrop	5,519	25,340,227	3 85
Totals	281,102	\$1,621,809,456	\$239 06

WORCESTER COUNTY.

Ashburnham	867	\$1,878,889	\$0 33
Athol	3,904	12,982,899	2 08
Auburn	2,299	6,840,155	1 12
Barre	1,234	3,002,521	51
Berlin	348	1,221,935	19
Blackstone	1,449	2,173,956	43
Bolton	294	1,213,271	19
Boylston	402	1,000,000	17
Brookfield	469	1,459,281	24
Charlton	821	2,172,543	36
Clinton	4,123	11,833,902	1 95
Douglas	841	2,443,409	40
Dudley	1,445	3,755,617	63
East Brookfield . .	348	1,119,342	18
Fitchburg	13,747	52,925,443	8 26
Gardner	6,649	23,258,588	3 69
Grafton	2,098	4,779,999	83
Hardwick	801	1,682,937	30
Harvard	387	2,506,320	36
Holden	1,319	3,660,855	61

WORCESTER COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Hopedale	1,089	\$7,114,733	\$1 03
Hubbardston	376	700,198	13
Lancaster	932	3,006,708	48
Leicester	1,556	3,424,492	60
Leominster	7,360	25,972,870	4 11
Lunenburg	801	2,508,080	41
Mendon	464	1,531,273	25
Milford	5,374	15,865,519	2 60
Millbury	2,478	6,531,871	1 10
Millville	560	912,307	17
New Braintree	168	700,211	11
North Brookfield	1,108	2,797,829	47
Northborough	826	2,331,600	39
Northbridge	3,295	9,927,413	1 62
Oakham	158	450,140	07
Oxford	1,449	3,383,209	59
Paxton	308	1,100,000	17
Petersham	280	1,700,237	25
Phillipston	140	500,156	08
Princeton	279	1,500,000	22
Royalston	336	800,417	14
Rutland	575	1,500,479	25
Shrewsbury	2,628	10,059,350	1 57
Southborough	751	3,688,320	55
Southbridge	5,697	15,089,204	2 53
Spencer	2,330	4,999,999	88
Sterling	587	2,017,554	32
Sturbridge	763	2,077,403	35
Sutton	838	2,114,722	36
Templeton	1,452	3,354,690	58
Upton	754	1,598,512	28
Uxbridge	2,172	8,163,560	1 28
Warren	1,241	2,702,045	48
Webster	4,710	11,099,458	1 91
West Boylston	745	2,800,686	44
West Brookfield	476	1,526,042	25
Westborough	1,478	4,569,999	74
Westminster	582	2,000,431	32
Winchendon	2,295	5,662,149	97
Worcester	62,205	298,696,524	45 07
Totals	165,461	\$618,412,252	\$96 95

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	13,095	\$108,798,798	\$15 47
Berkshire	41,701	156,255,881	24 50
Bristol	118,193	387,874,586	62 28
Dukes	1,829	19,136,182	2 68
Essex	162,493	672,942,203	103 75
Franklin	16,835	77,552,319	11 76
Hampden	108,095	515,210,315	77 84
Hampshire	22,783	81,853,514	12 91
Middlesex	303,738	1,424,388,597	215 64
Nantucket	1,135	13,074,868	1 81
Norfolk	104,453	657,132,489	95 92
Plymouth	57,422	258,995,246	39 43
Suffolk	281,102	1,621,809,456	239 06
Worcester	165,461	618,412,252	96 95
Totals	1,398,335	\$6,613,436,706	\$1,000 00

Approved March 27, 1941.

AN ACT AUTHORIZING THE COUNTY OF ESSEX TO PAY A SUM *Chap.142*
OF MONEY TO LENLEY D. HALLINAN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the county of Essex, after an appropriation has been made therefor, may pay to Lenley D. Hallinan the sum of two thousand dollars on account of the death of his son, Norman L. Hallinan, who was killed while an inmate of the Essex County Training School.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise.

Approved March 27, 1941.

AN ACT FURTHER REGULATING THE SALARY OF THE DIRECTOR *Chap.143*
OF LIQUIDATIONS AND EXTENDING THE EXISTENCE OF THE
DIVISION OF LIQUIDATIONS.

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and fifteen of the acts of nineteen hundred and thirty-nine is hereby amended by striking out, in the seventh line, the words "a salary of five thousand dollars" and inserting in place thereof the words:—such compensation as may be determined and fixed by the supreme judicial court, or any justice thereof,—so as to read as follows:— *Section 1.* There shall be in the department of banking and insurance, but in no manner subject to its control, a division of liquidations, which shall be in charge of a director, who shall be known as the director of liquidations. The director of liquidations shall be appointed by the governor, with the advice and consent of the council. The director of liquidations shall receive such compensation as may be determined and fixed by the supreme judicial court, or any justice thereof, to be paid from the funds of the institutions administered by him and to be allocated among such institutions and in such manner as the supreme judicial court, or any justice thereof, may order.

SECTION 2. Section four of said chapter five hundred and fifteen is hereby amended by striking out, in the third line, the word "forty-one" and inserting in place thereof the word:—forty-three,—so as to read as follows:— *Section 4.* This act shall take effect on September first, nineteen hundred and thirty-nine, and shall become inoperative on April first, nineteen hundred and forty-three.

Approved March 27, 1941.

Chap. 144 AN ACT MAKING APPROPRIATIONS FROM THE HIGHWAY FUND, FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, OTHER THAN STATE HIGHWAYS.

Be it enacted, etc., as follows:

SECTION 1. The sums herein set forth, for the purposes herein specified, are hereby appropriated from the Highway Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the current fiscal year, in advance of final action on the general appropriation bill, pursuant to a message of the governor dated March first of the current year:

Service of the Department of Public Works.

2923-20	For the construction and repair of town and county ways, to be in addition to any amount heretofore appropriated for the same purpose	\$3,000,000 00
2923-30	For aiding towns in the repair and improvement of public ways, to be in addition to any amount heretofore appropriated for the same purpose	1,488,000 00

SECTION 2. No person shall be reimbursed by the commonwealth out of funds appropriated by this act for any expense incurred for a mid-day meal while traveling within the commonwealth at the expense thereof, nor shall any person be so reimbursed for the amount of any expense incurred for a breakfast while so traveling which is in excess of seventy-five cents or for the amount of any expense incurred for an evening meal while so traveling which is in excess of one dollar. Nothing herein contained shall apply to state employees who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing. No passenger automobile the price whereof, delivered, exceeds one thousand dollars shall be paid for out of funds so appropriated, except upon the written order of the commission on administration and finance. Nothing herein contained shall be construed as preventing the department of public works from approving allowances for meals, not exceeding one dollar and seventy-five cents in any one day, for its employees stationed beyond commuting distance from their homes for a period of more than twenty-four hours.

SECTION 3. The allowance, out of funds so appropriated, to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed four and one half cents a mile.

SECTION 4. This act shall take effect upon its passage.

Approved March 27, 1941.

AN ACT EXTENDING THE PERIOD OF TIME WITHIN WHICH FUNDS MAY BE BORROWED FOR THE PAYMENT OF DIVIDENDS IN CERTAIN CLOSED BANKS AND CONCERNING THE TAKING OF APPEALS INVOLVING REAL ESTATE IN WHICH SUCH BANKS HAVE AN INTEREST.

Chap. 145

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-two, as most recently amended by chapter two hundred and ninety-two of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth line, the word "nine" and inserting in place thereof the word: — eleven, — so as to read as follows: — *Section 2.* For the purpose of paying dividends in the liquidation of any such

bank as provided in section one, the commissioner is hereby authorized in his discretion to borrow from time to time, within a period of eleven years from the passage of this act, from such sources as he deems advisable, such sum or sums, for such periods, at such rates of interest and upon such terms and subject to such provisions as he shall determine and as the supreme judicial court for the county of Suffolk or for the county in which such bank has its principal place of business shall authorize; and as security therefor may pledge and assign any or all the assets of such bank.

SECTION 2. Any provision of law to the contrary notwithstanding, in the case of an application for abatement of a tax on real estate in which application a bank organized under the laws of the commonwealth, whose assets are in process of liquidation, or any subsidiary thereof, has an interest, if such application was seasonably filed with the board of assessors in any one of the years nineteen hundred and thirty-five to nineteen hundred and forty, inclusive, and if such application was not denied or refused by a notice in writing by the assessors within four months subsequent to such filing, and if no appeal to the appellate tax board was taken prior to the effective date of this act, such an appeal may be taken within four months subsequent to said effective date, and in the case of an appeal to said appellate tax board from a refusal or failure of a board of assessors to abate a tax upon real estate in which appeal such a bank or subsidiary thereof has an interest, taken by a petition filed prior to said effective date, no defense, by motion, answer, plea or otherwise, other than that the real estate has not been over-valued, shall be available to the appellee.

Approved March 27, 1941.

Chap. 146 AN ACT AUTHORIZING THE TRUSTEES OF THE MASSACHUSETTS TRAINING SCHOOLS TO CONVEY TO THE UNITED STATES OF AMERICA CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF LANCASTER.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Massachusetts training schools are hereby empowered to convey, on behalf of the commonwealth, to the United States of America, by an instrument in form approved by the attorney general and upon payment of such consideration as may be approved by the governor and council, a certain parcel of land of the commonwealth, located in the town of Lancaster and being a portion of the property of the industrial school for boys. Said parcel of land is bounded and described as follows:— Beginning at the northwesterly corner of the parcel at a point in the easterly limits of the Shirley–Still River road, so called, and intersecting with the center line of an Old Road, so called; thence southerly by the easterly limits of said Shirley–Still River road thirty-one hundred and sixty

feet to a point at land of the United States of America; thence by said land of the United States of America the following seven courses and distances: — south seventy-one degrees seven minutes east, twelve hundred and forty-seven and sixty-seven hundredths feet; thence north fifty-five degrees fifty minutes east, three hundred and seventy-two and fifty-four hundredths feet; thence north thirty degrees twenty-four minutes thirty seconds west, fourteen hundred and ninety-one and two hundredths feet; thence north four degrees thirty-two minutes thirty seconds west, one hundred and eighty-six and eighty-one hundredths feet; thence north sixty-eight degrees sixteen minutes thirty seconds west, four hundred and fifty-one and eighty-two hundredths feet; thence north sixty-three degrees one minute thirty seconds west, five hundred and seventy-seven and fifty-six hundredths feet; thence north twenty-seven minutes thirty seconds east, five hundred and fifty-three and ninety-four hundredths feet to a point, said point being the common corner between land of the United States of America, other lands of the commonwealth, being a portion of the property of the industrial school for boys, and the parcel of land herein described; thence by said other lands of the commonwealth north seventy-seven degrees thirty-six minutes west, fifteen hundred and fifty-seven feet to the point of beginning.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1941.

AN ACT MAKING APPROPRIATIONS FROM THE HIGHWAY FUND, *Chap. 147*
FOR THE CONSTRUCTION AND RECONSTRUCTION OF STATE
HIGHWAYS.

Be it enacted, etc., as follows:

SECTION 1. The sums herein set forth, for the purposes herein specified, are hereby appropriated from the Highway Fund, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the current fiscal year, in advance of final action on the general appropriation bill, pursuant to a message of the governor dated March first of the current year:

Service of the Department of Public Works.

2923-60 For the purpose of enabling the department of public works to secure federal aid for the construction and reconstruction of highways, including bridges, to be in addition to any amount heretofore appropriated for the same purpose	\$1,887,397 71
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SECTION 2. No person shall be reimbursed by the commonwealth out of funds appropriated by this act for any expense incurred for a mid-day meal while traveling within the commonwealth at the expense thereof, nor shall any person be so reimbursed for the amount of any expense

incurred for a breakfast while so traveling which is in excess of seventy-five cents or for the amount of any expense incurred for an evening meal while so traveling which is in excess of one dollar. Nothing herein contained shall apply to state employees who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing. No passenger automobile the price whereof, delivered, exceeds one thousand dollars shall be paid for out of funds so appropriated, except upon the written order of the commission on administration and finance. Nothing herein contained shall be construed as preventing the department of public works from approving allowances for meals, not exceeding one dollar and seventy-five cents in any one day, for its employees stationed beyond commuting distance from their homes for a period of more than twenty-four hours.

SECTION 3. The allowance, out of funds so appropriated, to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed four and one half cents a mile.

SECTION 4. This act shall take effect upon its passage.
Approved March 28, 1941.

Chap. 148 AN ACT PROVIDING FOR MODIFICATION OF THE TERMS AND CONDITIONS UNDER WHICH THE BOSTON ELEVATED RAILWAY COMPANY HAS BEEN GRANTED THE USE OF CERTAIN SUBWAY PREMISES AND EQUIPMENT, AND MAKING CERTAIN CHANGES RELATIVE TO PAYMENTS IN CONNECTION WITH SUCH USE.

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three is hereby amended by striking out section seven, as affected by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-seven and by chapter three hundred and ninety-five of the acts of nineteen hundred and thirty-eight, and as amended by section one of chapter three hundred and ninety-eight of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: —
Section 7. No construction work shall be done under Part II of this act, however, unless and until a plan therefor shall be approved by the commission of the department of public utilities and the mayor of the city and unless and until a contract between the city and the company shall have been executed for the sole and exclusive use by the company of the premises and equipment for a term beginning with the use thereof and ending upon the termination of the lease or contract for use as at present extended of the Boylston street subway. Any plan so approved may be altered at any time by a new plan approved in like manner except

that after the execution of said contract for use no such alteration shall be made without the consent thereto of the company in writing nor at any time except with the approval of said emergency finance board, the governor and such approvals as may be required under the provisions of the National Industrial Recovery Act or regulations made thereunder. The contract shall be in the same general form as that authorized by said chapter four hundred and eighty, except in so far as any other provision may be agreed upon by the department and the company as specially applicable to the demised premises. The net cost of the premises and equipment shall be determined in the manner provided in said chapter four hundred and eighty, except that there shall be deducted from the amount so determined all amounts received by the city as direct grants, or by remission of bonds or other obligations, or in any manner or form whatsoever amounting in substance directly or indirectly to a contribution to the cost of the premises and equipment under the National Industrial Recovery Act. The rental shall be payable annually on the twenty-fifth day of April in each year to and including the year nineteen hundred and forty-one and on the twenty-fifth day of January in each year thereafter. Such contract for use shall provide that the company shall pay to the city for each full year ending with the last day of March to and including the year nineteen hundred and forty-one, and ratably for the nine months' period commencing on April first, nineteen hundred and forty-one and ending with the last day of December, nineteen hundred and forty-one, and for each full year thereafter, and ratably for any portion of a year, an annual rental which shall be sufficient to provide an amount equal to one half of one per cent of the net cost of the premises and equipment in addition to the annual amount of interest on bonds issued to pay for said net cost, but not less than four and one half per cent of said net cost in any event; provided, that said annual rental shall be payable by the company in any year only if and to the extent that the reserve fund provided for by section five of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen exceeds on the last day of March, nineteen hundred and forty-one, or on the last day of December, nineteen hundred and forty-one, or on the last day of any December thereafter, the amount originally established; and provided, further, that such excess shall be determined and the obligation to pay the rental shall accrue only after deducting from said reserve fund the full amount of the rental payable under any contracts executed under the authority of chapter three hundred and forty-one of the acts of nineteen hundred and twenty-five, as amended, and after fully reimbursing the commonwealth as provided in sections eleven and thirteen of said chapter one hundred and fifty-nine. If by virtue of the foregoing provisos the company is not required to make the full rental payment as above

provided for the premises and equipment authorized by this act, the city shall place any amounts so unpaid in its next ensuing tax levy.

SECTION 2. The acceptance of this act by the Boston Elevated Railway Company and the city of Boston, as hereinafter provided, shall constitute an agreement on the part of the city and the company to execute a contract modifying in accordance with the provisions of this act the existing contract between the city and the company for the use by the company of the premises and equipment authorized to be acquired, constructed and provided pursuant to the provisions of Part II of said chapter three hundred and sixty-six, as amended.

SECTION 3. This act shall take effect upon its acceptance both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors, and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur during the current year.

Approved March 31, 1941.

Chap.149 AN ACT AUTHORIZING THE WORCESTER ART MUSEUM TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY.

Be it enacted, etc., as follows:

The Worcester Art Museum, a corporation incorporated under general law, is hereby authorized to hold real and personal property to an amount not exceeding eight million dollars, in addition to the land occupied by it, the buildings erected or which may be erected thereon, and the works of art contained in said buildings, all of which property, and the income derived from it, shall be devoted to the purposes set forth in its charter or agreement of association.

Approved March 31, 1941.

Chap.150 AN ACT RELATIVE TO THE FIFTY ASSOCIATES, A MASSACHUSETTS CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Fifty Associates, incorporated under the name of The Proprietors of Museum Hall by an act approved February twenty-first, eighteen hundred and twenty, entitled "An Act to incorporate The Proprietors of Museum Hall, in the Town of Boston", whose name was changed to its present one by an act approved June twelfth, eighteen hundred and twenty-three, entitled "An Act in addition to an Act, entitled 'An Act to incorporate the Proprietors of Museum Hall, in the Town of Boston'", shall have a board of not less than three directors to be elected annually by ballot by the stockholders, and such officers as it may by its by-laws authorize. The board of directors may exercise

all the powers of the corporation except such as are by law, other than the acts hereinabove mentioned, or by its by-laws conferred upon the stockholders. Without limiting the foregoing, the board of directors shall have power to purchase or otherwise acquire real estate or interests in real estate for the corporation and to sell, lease, manage, improve, build, rebuild, demolish, alter, exchange, dispose of and otherwise deal in or with property of the corporation and to mortgage or pledge the same to secure payment of its debts. There shall be an annual meeting of the stockholders of the corporation. The corporation may by vote of a majority of the shares outstanding and entitled to vote adopt by-laws and regulations consistent with law for its own government, the due and orderly conduct of its affairs and the management of its property, including determination of any or all matters which corporations subject to chapter one hundred and fifty-five and chapter one hundred and fifty-six of the General Laws may determine by their by-laws. At all meetings of the stockholders of the corporation for the transaction of business, stockholders shall have one vote for each share of stock owned by them, and the limitation provided in section six of said act approved February twenty-first, eighteen hundred and twenty, shall no longer apply, and all votes of the stockholders shall be determined by the number of shares and not by the number of stockholders notwithstanding any provision of either of said acts hereinabove mentioned.

SECTION 2. This act shall take effect upon its acceptance by the stockholders of said corporation in the manner provided by section three of chapter one hundred and fifty-six of the General Laws, and the filing in the office of the state secretary, on or before December thirty-first in the current year, of a copy of the vote of acceptance approved by the commissioner of corporations and taxation as provided in said section.

Approved March 31, 1941.

AN ACT MAKING AN APPROPRIATION FOR EXPENDITURE BY THE DEPARTMENT OF EDUCATION FOR CERTAIN REPAIR WORK AT THE STATE TEACHERS COLLEGE AT HYANNIS.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The sum of fifteen thousand dollars, for expenditure by the department of education for repair work at the state teachers college at Hyannis made necessary by the recent fire at said college, is hereby appropriated from the general fund or revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, in advance of final action on the general appropriation bill, pursuant to a recommendation of the governor to that effect in a message dated February tenth of the current year.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1941.

Chap.152 AN ACT FURTHER REGULATING THE AUTHORITY OF THE TOWN OF PLYMOUTH TO BECOME PARTY TO A LEASE OF CERTAIN PROPERTY BY THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter thirty-one of the acts of the current year is hereby amended by striking out the last sentence and inserting in place thereof the following: — Such lease shall be for a term not exceeding fifty years and shall be subject to such conditions as may be mutually agreed upon by the said parties, and the said town may, if authorized by vote at any annual town meeting, or at any special town meeting called for the purpose, become party to such lease.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1941.

Chap.153 AN ACT AUTHORIZING THE TOWN OF DANVERS TO USE DANVERS PARK, SO CALLED, AS A PUBLIC PLAYGROUND, AND TO SET APART A PORTION THEREOF AS AN ATHLETIC FIELD TO WHICH ADMISSION MAY BE CHARGED AND REGULATE ITS USE.

Be it enacted, etc., as follows:

The town of Danvers is hereby authorized to use for the purposes of a public playground under section fourteen of chapter forty-five of the General Laws a parcel of land owned by it and used as a public park, known as Danvers Park, which adjoins the property used by said town for the purposes of its junior high school and senior high school, and by vote to set apart as an athletic field such portion of said park as it may designate, and to use such athletic field, and, under such terms as it may impose, to allow such field to be used by others, for athletic games and other entertainments of a public nature, to which an admission fee may be charged.

Approved April 2, 1941.

Chap.154 AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND UNTIL APRIL FIRST, NINETEEN HUNDRED AND FORTY-THREE, THE SIX O'CLOCK LAW, SO CALLED, RELATING TO THE HOURS OF EMPLOYMENT OF WOMEN IN THE TEXTILE INDUSTRY.

Emergency
preamble.

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to

be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section one of chapter three hundred and forty-seven of the acts of nineteen hundred and thirty-three, as most recently amended by chapter ninety-six of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth line, the word "forty-one" and inserting in place thereof the word:— forty-three, — so as to read as follows:— *Section 1.* The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend, until April first, nineteen hundred and forty-three, subject to such restrictions and conditions as the said commissioner may prescribe, so much of section fifty-nine of chapter one hundred and forty-nine of the General Laws, as amended, as prohibits the employment of women in the manufacture of textile goods after six o'clock in the evening; and, during the time of such suspension, those parts of said section fifty-nine which are so suspended shall be inoperative and of no effect.

Approved April 3, 1941.

AN ACT RELATIVE TO THE WEIGHING OF MATERIAL FOR ROAD CONSTRUCTION. Chap. 155

Be it enacted, etc., as follows:

SECTION 1. Section two hundred and forty-four of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "goods" in the third, seventh, ninth and tenth lines, in each instance, the words:— or material, — by inserting after the word "weight" in the second line the words:— , or whoever sells material for road construction by weight, — and by inserting after the word "permit" in the twelfth line the words:— the director of standards and necessities of life, or any inspector of standards in any town, or, — so as to read as follows:— *Section 244.* Whoever, except as provided in section two hundred and forty-one, sells coke, charcoal or coal by weight, or whoever sells material for road construction by weight, shall without cost to the purchaser cause the goods or material to be weighed by a sworn weigher of the town where they are weighed, and shall cause to be signed by the weigher a certificate stating the name and place of business of the seller, and either the identifying number, of which a permanent record shall be kept, or the name of the person taking charge of the goods or material after the weighing as given to the weigher on his request, the tare weight, and the quantity of the goods or material. Such certificate shall be given to said person and shall be given by him only to the owner of the goods or material or his agent when he unloads the same; and each such per-

G. L. (Ter. Ed.), 94, § 244, amended.

Certificate of weight, etc.

son, on request and without charge therefor, shall permit the director of standards and necessities of life, or any inspector of standards in any town, or any sealer of weights and measures of any town to examine the certificate and to make a copy thereof.

G. L. (Ter. Ed.), 94, § 245, etc., amended.

Sealer may direct goods to be weighed.

SECTION 2. Said chapter ninety-four is hereby further amended by striking out section two hundred and forty-five, as most recently amended by section thirteen A of chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 245.* The director of standards and necessities of life or any inspector of standards in any town, or a sealer of weights and measures within his town, wherein any quantity of coke, charcoal or coal or material for road construction in the course of delivery is found may direct the person in charge of the goods or material to convey the same without delay or charge to scales designated by such director, inspector or sealer, who shall there determine the quantity of the goods or material, and, except in the case of coke, charcoal or coal in baskets or bags as required by section two hundred and forty-one, shall determine their weight together with the tare weight, and shall direct said person to return to such scales immediately after unloading the goods or material; and upon such return, the director, inspector or sealer shall determine the tare weight. The scales designated by the director, inspector or sealer as aforesaid may be the public scales of the town or any other scales therein which have been duly tested and sealed and shall be such scales as in his judgment are most convenient.

G. L. (Ter. Ed.), 94, § 249G, etc., repealed.

SECTION 3. Section two hundred and forty-nine G of said chapter ninety-four, as most recently amended by section seventeen A of said chapter two hundred and sixty-one, is hereby repealed.

G. L. (Ter. Ed.), 94, § 246, amended.

Record to be kept.

SECTION 4. Said chapter ninety-four is hereby further amended by striking out section two hundred and forty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 246.* Each sealer of weights and measures of a town and each sworn weigher shall keep in a book used by him solely for that purpose a record of all baskets sealed by him as aforesaid, and of all weighings and determinations of quantities of coke, charcoal or coal or material used for road construction made by him as aforesaid. Such record shall be made at the time of measuring or weighing, and shall state the day and hour of the measuring or weighing, the name and place of business of the vendor, the name of the owner of the baskets or of the purchaser of the goods or material as given to him on his request by the person taking charge of the baskets or of the goods or material after weighing or measuring, the capacity of the baskets measured or quantity of the goods or material determined, and the name of said person; and, in the case of a reweighing as provided in section two hundred and forty-five, shall state the weight as given in the certifi-

cate and as determined by him. No charge shall be made by any such sealer for anything done under this section and sections two hundred and forty-four and two hundred and forty-five.

Approved April 3, 1941.

AN ACT AUTHORIZING THE PINE GROVE CEMETERY ASSOCIATION TO ACQUIRE AND ADMINISTER THE PROPERTY OF THE CURTISS ADDITIONAL CEMETERY ASSOCIATION IN THE TOWN OF SHEFFIELD, AND FURTHER AUTHORIZING SAID FIRST-NAMED ASSOCIATION TO ACQUIRE AND HOLD ADDITIONAL PROPERTY. Chap.156

Be it enacted, etc., as follows:

SECTION 1. Pine Grove Cemetery Association, a corporation incorporated by chapter twenty-five of the acts of eighteen hundred and eighty-two, is hereby authorized to acquire, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property, not subject to any trust, of the Curtiss Additional Cemetery Association, an unincorporated association, and, as hereinafter provided, the funds and other property held in trust by said unincorporated association.

SECTION 2. In so far as authorized by the decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, said Pine Grove Cemetery Association may receive from said Curtiss Additional Cemetery Association a conveyance and transfer of, and administer, all funds or other property held by said Curtiss Additional Cemetery Association in trust for the perpetual care of the lots in its cemetery and for other purposes, and also any property devised or bequeathed to said Curtiss Additional Cemetery Association under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated.

SECTION 3. Said chapter twenty-five is hereby further amended by striking out section two and inserting in place thereof the following section:— *Section 2.* Said corporation may acquire, by purchase, lease or otherwise, and dispose of, real and personal property for the purpose aforesaid; provided, that it shall not hold real and personal property to an amount exceeding ten thousand dollars.

SECTION 4. This act shall not take full effect until it shall have been accepted, on the part of said cemetery corporation, by vote of the board of directors, and on the part of said unincorporated cemetery association, by vote of the members, and a certified copy of each of said votes shall have been filed with the clerk of said town and with the state secretary.

Approved April 3, 1941.

Chap. 157 AN ACT PENALIZING THE TAKING OF FISH FROM BIG HOMERS POND IN THE TOWN OF WEST TISBURY OTHERWISE THAN BY MEANS OF FLY FISHING.

Be it enacted, etc., as follows:

SECTION 1. Whoever takes fish from the waters of Big Homers pond in the town of West Tisbury on the island of Martha's Vineyard otherwise than by means of fly fishing shall be punished by a fine of not less than ten nor more than fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1941.

Chap. 158 AN ACT RELATIVE TO THE FINANCING OF INSTALLMENT PAYMENTS UNDER CONTRACTS FOR GOODS, SERVICES OR INSURANCE IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 140,
§ 96, etc.,
amended.

Business of
making small
loans regulated.

SECTION 1. Section ninety-six of chapter one hundred and forty of the General Laws, as amended by section two of chapter one hundred and seventy-nine of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "sections" the first time it occurs in the seventeenth line, as appearing in the Tercenary Edition, the following: — , but the foregoing provisions of this sentence shall not apply in the case of any transaction which involves any note or other instrument evidencing the indebtedness of a buyer to the seller of goods, services or insurance for a part or all of the purchase price, — so as to read as follows: — *Section 96.* No person shall directly or indirectly engage in the business of making loans of three hundred dollars or less, if the amount to be paid on any such loan for interest and expenses exceeds in the aggregate an amount equivalent to twelve per cent per annum upon the sum loaned, without first obtaining from the commissioner of banks, in sections ninety-six to one hundred and fourteen, inclusive, called the commissioner, a license to carry on the said business in the town where the business is to be transacted. When an application for a loan or for an endorsement or guarantee or for the purchase of a note is made by any person within this commonwealth, and the money is advanced or the endorsement or guarantee is made or furnished by any person without this commonwealth, the transaction shall be deemed a loan made within this commonwealth, and such a loan and the parties making it shall be subject to sections ninety-six to one hundred and thirteen, inclusive. The buying or endorsing of notes or the furnishing of guarantee or security for compensation shall be considered to be engaging in the business of making small loans within said sections, but the foregoing provisions of this sentence shall not apply in the case of any transaction

which involves any note or other instrument evidencing the indebtedness of a buyer to the seller of goods, services or insurance for a part or all of the purchase price. In prosecutions under said sections, the amount to be paid upon any loan of three hundred dollars or less for interest or expenses shall include all sums paid or to be paid by or on behalf of the borrower for interest, brokerage, recording fees, commissions, services, extension of loan, forbearance to enforce payment, and all other sums charged against or paid or to be paid by the borrower for making or securing directly or indirectly the loan, and shall include all such sums when paid by or on behalf of or charged against the borrower for or on account of making or securing the loan, directly or indirectly, to or by any person, other than the lender, if such payment or charge was known to the lender at the time of making the loan, or might have been ascertained by reasonable inquiry. Any person directly or indirectly engaging in the business of negotiating, arranging, aiding or assisting the borrower or lender in procuring or making loans of three hundred dollars or less, for which the amount paid or to be paid for interest and expenses, including all amounts paid or to be paid to any other party therefor, exceeds in the aggregate an amount equivalent to twelve per cent per annum, whether such loans are actually made by such person or by another party, shall be deemed to be engaged in the business of making small loans, and shall be subject to sections ninety-six to one hundred and twelve, inclusive. If, after all deductions or payments, whether on account of interest, expenses or principal made substantially contemporaneously with the making of the loan, the amount retained by the borrower be three hundred dollars or less, the transaction shall be deemed to be a loan in the amount of the sum so retained by the borrower after such deductions or payments, notwithstanding that the loan be nominally for a greater sum.

SECTION 2. This act shall apply in the case of any transaction entered into prior to, on, or subsequent to its effective date which involved or involves any note or other instrument evidencing the indebtedness of a buyer to the seller of goods, services or insurance for a part or all of the purchase price.

Act to apply to certain existing transactions.

SECTION 3. If any provision of this act, or the application thereof to any person, firm, corporation or association or to any circumstances, is held invalid by any court of final jurisdiction, the remainder of this act, and the application of such provision to other persons, firms, corporations or associations, or to other circumstances, shall not be affected thereby.

Validity of act.

Approved April 4, 1941.

Chap. 159 AN ACT IMPOSING A PENALTY FOR CARRYING FIREARMS, WHILE INTOXICATED, IN PLACES WHERE HUNTING IS PERMITTED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 131, new section 13A, added.
Penalty.

SECTION 1. Chapter one hundred and thirty-one of the General Laws is hereby amended by inserting after section thirteen, as amended, the following new section: — *Section 13A.* Whoever, while intoxicated, hunts or carries a rifle or shotgun in any place where hunting is permitted shall be punished by a fine of not more than five dollars.

Application of act.

SECTION 2. Section thirteen A of said chapter one hundred and thirty-one and section six of chapter one hundred and twenty-nine A of the General Laws shall apply to all violations of said section thirteen A occurring on or after September first in the current year.

Approved April 4, 1941.

Chap. 160 AN ACT PROVIDING FOR THE HOLDING OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF FALL RIVER IN ODD-NUMBERED YEARS INSTEAD OF EVEN-NUMBERED YEARS, AND ESTABLISHING THE DATE OF SAID ELECTIONS.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and forty-five, biennial municipal elections in the city of Fall River shall be held on the Tuesday next following the first Monday in November in each odd-numbered year. There shall be no biennial municipal election in said city in the year nineteen hundred and forty-four.

SECTION 2. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the mayor and members of the city council shall be elected for terms of three years each, and at each biennial municipal election thereafter shall be elected for terms of two years each.

SECTION 3. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-two, the members of the school committee to be elected thereat shall be elected to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-seven. The terms of office of the members of the school committee elected in the year nineteen hundred and forty shall continue until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and forty-five. At each biennial municipal election, beginning with the year nineteen hundred and forty-five, all members of the school committee to be elected thereat shall be elected for terms of four years each.

SECTION 4. This act shall be submitted to the registered voters of the city of Fall River at the biennial state election

in the year nineteen hundred and forty-two in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act providing for the holding of biennial municipal elections in the city of Fall River in odd-numbered years instead of even-numbered years, and establishing the date of said elections', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved April 4, 1941.

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO BORROW MONEY FOR THE PURPOSE OF REMODELING THE OLD HIGH SCHOOL BUILDING AND INSTALLING A NEW HEATING PLANT AND VENTILATING SYSTEM THEREIN, ERECTING A BUILDING ADJACENT TO SAID HIGH SCHOOL BUILDING AND PURCHASING EQUIPMENT FOR A VOCATIONAL SCHOOL.

Chap. 161

Be it enacted, etc., as follows:

SECTION 1. For the purposes of remodeling the old high school building and installing a new heating plant and ventilating system therein, and of erecting a building adjacent to said high school building, and for the purchase of equipment for a vocational school, the town of Plymouth may borrow, from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on the face the words, Plymouth School Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limitation, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, inclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1941.

AN ACT RELATIVE TO THE NOMINATION AND APPOINTMENT OF INSPECTORS OF ANIMALS IN CITIES AND TOWNS.

Chap. 162

Be it enacted, etc., as follows:

Chapter one hundred and twenty-nine of the General Laws is hereby amended by striking out section fifteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 15.* The mayor in cities, except Boston, and, except as otherwise provided in section fifteen A, the selectmen in towns shall annually, in March, nominate one or more inspectors of animals, and before April first shall send to the director the name, address

G. L. (Ter. Ed.), 129, § 15, amended.

Inspectors of animals in cities and towns.

and occupation of each nominee. Such nominee shall not be appointed until approved by the director. In cities at least one such inspector shall be a registered veterinarian, except in a city where this requirement cannot be complied with by reason of a charter provision relating to the qualifications of appointees to office therein.

In a town which has a board of health and accepts this paragraph, the nomination of such inspectors shall be made by the board of health and not by the selectmen.

Approved April 7, 1941.

Chap. 163 AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and forty-five, municipal elections in the city of Quincy shall be held biennially on the Tuesday next following the first Monday in November in each odd-numbered year. There shall be no regular municipal election in said city in the year nineteen hundred and forty-four.

SECTION 2. At the regular municipal election to be held in said city in the year nineteen hundred and forty-two, the mayor and the councillors to be elected thereat shall be elected for terms of three years each. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-five, and at each biennial municipal election thereafter the mayor and all of the councillors shall be elected for terms of two years each.

SECTION 3. At the regular municipal election to be held in said city in the year nineteen hundred and forty-one, and in the year nineteen hundred and forty-three, the members of the school committee to be elected thereat shall be elected for terms of four years each. At the biennial municipal election to be held in said city in the year nineteen hundred and forty-five and at each biennial municipal election thereafter, all members of the school committee to be elected thereat shall be elected to serve for terms of four years each.

SECTION 4. This act shall be submitted for acceptance to the qualified voters of the city of Quincy at the regular municipal election in the current year in the form of the following question, which shall be placed upon the official ballot to be used at said election: — "Shall an act passed by the general court in the current year, entitled 'An Act providing for Biennial Municipal Elections in the City of Quincy', be accepted?" If a majority of the votes cast on said question is in the affirmative, this act shall thereupon take full effect; otherwise it shall be of no effect and the members of the school committee elected at said election shall hold office for terms of three years each.

Approved April 7, 1941.

AN ACT MAKING THE LAW REQUIRING THE INSTALLATION OF PICK CLOCKS, SO CALLED, ON LOOMS IN CERTAIN TEXTILE FACTORIES INAPPLICABLE TO LINEN FIRE HOSE WEAVING. Chap. 164

Be it enacted, etc., as follows:

Section one hundred and fifty-six of chapter one hundred and forty-nine of the General Laws, as amended by section one of chapter three hundred and sixty-three of the acts of nineteen hundred and thirty-five, is hereby further amended by inserting after the word "weaving" in the seventeenth line the words: — , linen fire hose weaving, — so as to read as follows: — *Section 156.* The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification; and in factories operating the looms on a piece rate basis pick clocks shall be placed on each loom, other than a gang loom, so called, in operation on work other than carpet weaving, linen fire hose weaving or elastic web weaving, and each weaver shall be paid according to the number of picks registered on said clock. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. In spooling rooms the boxes shall bear a ticket stating the number of pounds the box contains and the price per pound. The maximum length of a cut or piece shall not exceed its intended length by more than three per cent; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this section, it shall be deemed a sufficient defence to a prosecution. The said specifications shall also contain a detailed schedule of the method of computation of the price of cotton or silk or mixed cotton and silk weaving to be paid by the said occupier or manager, and no particular in the specifications shall be expressed by means of symbols, but every particular shall be sufficiently clear and complete to enable the operative to determine readily the price payable for the cut or piece. Violation of any provision of this section shall for the first offence be punished by a fine of one hundred dollars, for the second offence by a fine

G. L. (Ter. Ed.), 149, § 156, etc., amended.

Specifications for weavers.

Pick clocks, installation of.

of two hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not more than one month, or both.

Approved April 7, 1941.

Chap. 165 AN ACT RELATIVE TO THE PREPARATION AND KEEPING OF ROSTERS OF POSITIONS IN THE CLASSIFIED CIVIL SERVICE AND THE INCUMBENTS THEREOF, AND THE USE OF SUCH ROSTERS IN CONNECTION WITH THE PAYMENT OF SALARIES OR COMPENSATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 31B, added.

Rosters of positions in classified civil service.

SECTION 1. Chapter thirty-one of the General Laws is hereby amended by inserting after section thirty-one A, inserted by section two of chapter four hundred and twenty-two of the acts of nineteen hundred and thirty-nine, the following new section:— *Section 31B.* The director shall prepare and keep on file in his office rosters of all positions in the classified civil service of the commonwealth, and of each city and town, subject to this chapter, and of the persons whose employment in such positions, respectively, whether permanent or temporary, is legal. He shall file a copy of such roster for the commonwealth with the comptroller, and shall file a copy of such roster for each such city or town with the treasurer or other officer thereof whose duty it is to pay the salary or compensation of persons in the service of such city or town, and with the auditor or other officer thereof whose duty it is to authorize the drawing, signing or issuing of warrants for such payment. Whenever a change occurs in the status of any person by virtue of suspension, discharge, resignation or any other separation from the classified civil service, or whenever any person is legally employed in or appointed to a position in said service, the director shall make on the proper roster, or append thereto, a record of such change, and shall give notice thereof to each officer with whom a copy of such roster is hereby required to be filed, who shall make on his copy of said roster, or append thereto, a corresponding record. The state treasurer, city or town treasurer, or other disbursing officer of the commonwealth or of a city or town subject to this chapter, shall not pay any salary or compensation for service rendered in any position in the classified civil service to any person whose name does not appear on such roster, as amended from time to time, as the holder of such position, whether such payment is made by means of pay roll or bill, or in any other manner, and the comptroller, or the auditor or other accounting officer of such a city or town, shall not authorize the drawing, signing or issuing of a warrant for such payment, until the legality of the employment or appointment of such person is duly established. The state treasurer or other disbursing officer may accept the certification by the comptroller that the name of any person appears on the roster of the classified

civil service of the commonwealth as evidence thereof. Any officer who wilfully violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

SECTION 2. Nothing in this act shall affect chapter two hundred and ten of the acts of nineteen hundred and eight, as amended, relative to pay rolls, bills and certain accounts for salary or compensation of persons in the employment of the city of Boston. Effect of act.

Approved April 7, 1941.

AN ACT TO AVOID MULTIPLICITY OF PETITIONS FOR JUDICIAL REVIEW TO DETERMINE SENIORITY RIGHTS IN THE OFFICIAL SERVICE UNDER THE CLASSIFIED CIVIL SERVICE. Chap.166

Be it enacted, etc., as follows:

Section forty-five A of chapter thirty-one of the General Laws, inserted by chapter one hundred and ninety of the acts of nineteen hundred and thirty-four, is hereby amended by striking out, in the first and in the seventh lines, the word "labor", — so as to read as follows:— *Section 45A*. If any claim is made that the seniority rights of a petitioner under section forty-five have been or may be violated by the action of the officer or board whose action is sought to be reviewed, the court may, upon application of any party to such petition made at any time before final action on such petition, and upon proper notice, order that any person whose rights are claimed or appear to be junior to those of the petitioner, be made respondent in the proceeding, and shall thereupon determine the rights of the respective parties therein. G. L. (Ter. Ed.), 31, § 45A, etc., amended.

Judicial review.

Approved April 7, 1941.

AN ACT FURTHER REGULATING THE FILING OF NOMINATION PAPERS OF CANDIDATES FOR TOWN MEETING MEMBERS IN THE TOWN OF LUDLOW. Chap.167

Be it enacted, etc., as follows:

Section four of chapter three hundred and thirty-six of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the sixth line, the words "at least fifteen days before the election" and inserting in place thereof the following:— on or before the last date for filing nomination papers for other town offices, — so as to read as follows:— *Section 4*. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designations, and shall be signed by at least ten registered voters of the precinct in which the candidate resides, and filed with the town clerk on or before the last date for filing nomination papers for other town offices; provided that any elected town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least

thirty days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Approved April 8, 1941.

Chap. 168 AN ACT AUTHORIZING THE TOWN OF WAREHAM TO BORROW MONEY FOR MEETING ITS SHARE OF THE COST OF DREDGING ONSET HARBOR IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting its share of the expenditures required to dredge Onset harbor in the town of Wareham, with a view to improving said harbor for navigation, all of said work to be done by the state department of public works under and subject to section twenty-nine of chapter ninety-one of the General Laws, said town may, within three years from the passage of this act, borrow a sum or sums not exceeding, in the aggregate, twelve thousand dollars, and may issue notes for any moneys so borrowed, each of which notes shall bear on its face the words, Onset Harbor Dredging Loan, Act of 1941, and shall be payable within three years from its date; provided, that no money shall be borrowed and no notes shall be issued hereunder unless the sum of at least four thousand dollars towards payment of expenses aforesaid has been appropriated by said town from available revenue funds or voted by said town to be raised by taxation in the year in which the loan is authorized. Indebtedness incurred under this act shall be inside the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1941.

Chap. 169 AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF MEDFORD TO APPROPRIATE MONEY FOR THE PAYMENT OF CERTAIN UNPAID BILLS OF SAID CITY, AND AUTHORIZING SAID CITY TO PAY SUCH BILLS.

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Medford is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred during the year nineteen hundred and thirty-nine by said city, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, either by reason of their being incurred in excess of available appropriations or by reason of the failure of said city to comply with the provisions of its charter, and as are

certified for payment by the heads of the departments wherein the bills were contracted; provided, that the money so appropriated to pay such bills shall be raised by taxation in said city in the current year.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1941.

AN ACT TO PREVENT DISCRIMINATION IN EMPLOYMENT ON PUBLIC WORKS AND PROJECTS AND IN THE DISPENSING OF PUBLIC WELFARE BECAUSE OF RACE, COLOR, RELIGION OR NATIONALITY.

Chap. 170

Be it enacted, etc., as follows:

Chapter two hundred and seventy-two of the General Laws is hereby amended by inserting after section ninety-eight A, inserted by section one of chapter one hundred and fifty-five of the acts of nineteen hundred and thirty-eight, the following new section: — *Section 98B.* Whoever, knowingly and wilfully, employs discriminatory practices in the administration or giving of employment on public works or projects, or in the dispensing or giving of public relief or public welfare or any public benefit, because of race, color, religion or nationality, shall be punished by a fine of not more than one hundred dollars.

G. L. (Ter. Ed.), 272, new section 98B, added.

Color, race, etc., discrimination.

Approved April 9, 1941.

AN ACT GIVING TO CERTAIN EMPLOYEES OF THE DEPARTMENT OF CONSERVATION CERTAIN POWERS OF CONSTABLES AND POLICE OFFICERS WITHIN STATE FORESTS, STATE PARKS AND RESERVATIONS.

Chap. 171

Be it enacted, etc., as follows:

Section ten of chapter one hundred and twenty-nine A of the General Laws, as appearing in section one of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, is hereby amended by adding at the end the following new sentence: — Forest supervisors, park superintendents and laborers employed by the department, while employed in state forests, state parks or reservations shall, within the limits of said forests, parks or reservations have and exercise all the powers and duties of constables, except service of civil process, and of police officers, if so authorized in writing by the commissioner.

G. L. (Ter. Ed.), 129A, § 10, etc., amended.

Forest supervisors, etc., to have power of police officers.

Approved April 10, 1941.

Chap. 172 AN ACT PENALIZING THE TAKING OF CERTAIN HERRING OR ALEWIVES FROM THE WATERS OF PLYMOUTH HARBOR, KINGSTON BAY, DUXBURY BAY AND CERTAIN WATERS OF PLYMOUTH BAY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 130, new section 11A, added.

Taking of herring or alewives regulated.

Chapter one hundred and thirty of the General Laws is hereby amended by inserting after section eleven, as appearing in section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, the following new section: — *Section 11A.* Whoever takes any herring or alewives less than four inches in length from the waters of Plymouth harbor, Kingston bay, Duxbury bay or from that part of the waters of Plymouth bay lying westerly of an imaginary line drawn from the northeasterly extremity of Rocky Point to Gurnet Light, shall be punished by a fine of not less than five nor more than fifty dollars.

Approved April 10, 1941.

Chap. 173 AN ACT TO PREVENT THE IMPORTATION OF CERTAIN CATTLE AFFECTED WITH BANG'S ABORTION DISEASE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 129, § 26A, etc., amended.

Shipping, etc., of dairy cattle regulated.

Section twenty-six A of chapter one hundred and twenty-nine of the General Laws, as amended by chapter one hundred and sixty-eight of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the eleventh and twelfth lines, the words "within thirty days prior to entry" and inserting in place thereof the words: — in accordance with rules and regulations made by the director and approved by the governor and council, — so as to read as follows: — *Section 26A.* Whoever ships, drives or transports into the commonwealth cattle to be used for dairy purposes, unless they have been inspected and passed as healthy by a veterinary inspector of the United States Bureau of Animal Industry or a veterinarian of the state of origin authorized by the state and approved by said bureau and are accompanied by a certificate of health approved by the proper livestock officials of the state of origin stating that each such animal six months of age or over was negative to an agglutination blood test for Bang's abortion disease applied in accordance with rules and regulations made by the director and approved by the governor and council, shall be punished by a fine of not more than two hundred dollars.

Approved April 10, 1941.

AN ACT RELATIVE TO THE RETURN TO PRISON OF CERTAIN PRISONERS WHO HAVE BEEN RELEASED UPON PERMITS OR ON PAROLE. *Chap. 174*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-one of chapter one hundred and twenty-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventeenth and eighteenth lines, the words "from which he was released" and inserting in place thereof the words: — to which he was originally sentenced, — so as to read as follows: — *Section 141.* A probation officer may, with the consent of the county commissioners, or, in Suffolk county, of the penal institutions commissioner of Boston, investigate the case of any person imprisoned in a jail or house of correction upon a sentence of not more than six months, or upon a longer sentence of which not more than six months remain unexpired, or for failure to pay a fine, for the purpose of ascertaining the probability of his reformation if released from imprisonment. If after such investigation he recommends the release of the prisoner, and the court which imposed the sentence, or, if the sentence was imposed by the superior court, the district attorney, certifies a concurrence in such recommendation, the county commissioners or the penal institutions commissioner may, if they consider it expedient, release him on parole, upon such terms and conditions as they may prescribe, and may require a bond for their fulfilment. The surety upon any such bond may at any time take and surrender his principal, and the county commissioners or the penal institutions commissioner may at any time order any prisoner released by them to return to the prison to which he was originally sentenced. This section shall not apply to persons held upon sentences of the courts of the United States.

G. L. (Ter. Ed.), 127, § 141, amended.

Release on parole, etc.

Bond.

SECTION 2. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and forty-nine, as amended by section fifty-one of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 149.* The parole board, the county commissioners or, in Suffolk county, the penal institutions commissioner of Boston, if a permit to be at liberty granted or issued by them, respectively, has become void or has been revoked, or if a prisoner on parole under section one hundred and forty-one has been ordered to return to prison, may order the arrest of the holder of such permit or of such prisoner on parole by any officer qualified to serve civil or criminal process in any county, and the return of such holder or of such prisoner on parole to the prison to which he was originally sentenced. The governor, if a permit to be at liberty issued to an habitual criminal under

G. L. (Ter. Ed.), 127, § 149, etc., amended.

Arrest for violation of permit.

section one hundred and thirty-four has become void or has been revoked, shall issue his warrant authorizing the arrest of the holder thereof by any officer qualified to serve criminal process, and his return to state prison. A prisoner who has been so returned to prison shall be detained therein according to the terms of his original sentence. In computing the period of his confinement, the time between his release upon a permit or on parole and his return to prison shall not be considered as any part of the term of his original sentence. If at the time of the order to return to prison or of the revocation of his permit he is confined in any prison, service of such order shall not be made until his release therefrom.

Approved April 10, 1941.

Chap. 175 AN ACT RELATIVE TO THE POSSESSION OF SHOTGUNS AND SHOTGUN SHELLS AS CONSTITUTING PRIMA FACIE EVIDENCE OF THE UNLAWFUL HUNTING OF DEER.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 131, § 104, etc., amended.

Section one hundred and four of chapter one hundred and thirty-one of the General Laws, as most recently amended by chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the thirty-first and forty-sixth lines, the word "two" and inserting in place thereof, in each instance, the word:— one,— so that the last two paragraphs will read as follows:—

Possession of shotguns, etc., as evidence of unlawful hunting of deer.

The possession, except as authorized herein, during the period between one half hour after sunset and one half hour before sunrise in any place where deer might be found of a jack or artificial light and also any firearm and ammunition adapted to the hunting of deer, including a shotgun together with shotgun shells loaded with shot, bullet or ball larger than number one shot but not including a rifle the calibre of which is not larger than that of a twenty-two long rifle, so-called, or a pistol or revolver of not more than thirty-eight calibre, or the possession, except as authorized herein, during the period between one half hour before sunrise and one half hour after sunset in any such place of such a shotgun together with shotgun shells loaded as aforesaid, shall constitute prima facie evidence that the person in possession thereof is using the same for the purpose of hunting deer in violation of this section.

Nothing herein contained shall be construed as permitting any person to have in possession during the close season on deer any rifle, pistol or revolver in violation of section one hundred and twelve. Nothing herein contained shall be construed to prohibit the possession or use of shotgun shells loaded with shot, bullet or ball larger than number one shot during the open season on deer, nor to prohibit the hunting of raccoons or any unprotected mammal in a lawful manner

with a jack or artificial light; provided, that no motor vehicle is used in conjunction with the use of such jack or artificial light.

Approved April 10, 1941.

AN ACT RELATIVE TO THE EFFECT OF ZONING ORDINANCES OR BY-LAWS ON CERTAIN PERMITS. *Chap. 176*

Whereas, Municipal zoning ordinances and by-laws are in process of amendment at the present time and there exists great uncertainty as to the construction of certain provisions of law applicable thereto causing confusion in the administration of municipal affairs, and it is accordingly desirable that such uncertainty should be removed as soon as possible; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter forty of the General Laws is hereby amended by striking out section twenty-eight, as appearing in section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 28.* No such ordinance or amendment thereof shall affect any permit issued in a city before notice of hearing before the planning board or the zoning board, as the case may be, or, if there is neither, before the city council, has first been given, and no such by-law or amendment thereof shall affect any permit issued in a town before notice of hearing before the planning board or the zoning board, as the case may be, or, if there is neither, before the selectmen, has first been given or before the issuance of the warrant for the town meeting at which such by-law or amendment is adopted, whichever occurs first; provided, that construction work under such permit is commenced within six months after its issue.

G. L. (Ter.
Ed.), 40,
§ 28, etc.,
amended.

Ordinances,
etc., not to
affect certain
permits.

Approved April 10, 1941.

AN ACT FURTHER EXTENDING THE EXISTENCE OF THE CENTRAL CREDIT UNION FUND, INC. *Chap. 177*

Be it enacted, etc., as follows:

Section seven of chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two, as amended by chapter seventy of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the second line, the word "ten" and inserting in place thereof the word: — twenty, — so as to read as follows: — *Section 7.* This act shall be operative for a period of twenty years from its effective date, and at the expiration of said period the corporation shall be liquidated in such manner as the commissioner of banks shall prescribe.

Approved April 10, 1941.

Chap. 178 AN ACT RELATIVE TO THE CONSTRUCTION, RECONSTRUCTION, ALTERATION AND REPAIR OF CERTAIN BRIDGES BETWEEN THE CITIES OF BOSTON AND CHELSEA, PURSUANT TO ANY ORDER OF THE SECRETARY OF WAR.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and eighty-one of the acts of nineteen hundred and eleven is hereby amended by striking out section one and inserting in place thereof the following new section:— *Section 1.* Upon the application of the city of Boston, after a vote thereupon by its city council, to any justice of the supreme judicial court, and after notice to and hearing of the cities of Boston, Chelsea and Revere, and the town of Winthrop, and such other cities and towns and street railway corporations as are affected by the application, said court shall, from time to time hereafter as may be necessary, appoint three disinterested persons as commissioners, neither of whom shall reside in either of said cities or said town, who, after notice and a hearing, shall apportion among the cities and towns which receive special benefits from the bridges hereinafter named a just and equitable share of the cost of construction, reconstruction, alteration, repairs and maintenance of said bridges, and shall also assess upon any street railway having a location upon any of said bridges a just and equitable share of the cost of construction and repairs; *provided*, that no costs shall be so assessed for any work done or contracted for previous to the passage of this act. Said bridges are, (1) Chelsea bridge, so-called, between Charlestown and Chelsea; (2) Meridian street bridge between East Boston and Chelsea; (3) Chelsea street bridge between East Boston and Chelsea.

SECTION 2. Section two of said chapter five hundred and eighty-one is hereby amended by striking out, in the second line, the words "shall be constructed" and inserting in place thereof the words:— including such as may be constructed, reconstructed, altered or repaired pursuant to any order of the Secretary of War under powers conferred by federal law, shall be constructed, reconstructed, altered, — by striking out the words "said commission" in the seventh line and inserting in place thereof the words:— any commission appointed pursuant to this act, — and by inserting at the end of said section the following new sentence:— The city of Boston is hereby authorized and empowered to apply for and receive all payments or contributions toward such construction, reconstruction, alteration or repair which may be provided for by any applicable federal law, and shall apply the amounts so received ratably to the credit of the aforesaid cities, towns and street railway companies in the same proportions as the amounts apportioned by said commission to be collected from them, — so as to read as follows:— *Section 2.* Said bridges, or any of them, or any authorized substitute for any of them, including such as may be con-

structed, reconstructed, altered or repaired pursuant to any order of the Secretary of War under powers conferred by federal law, shall be constructed, reconstructed, altered or repaired by the city of Boston when appropriations therefor have duly been made by its city council, and the city of Boston is hereby authorized and empowered to collect from the cities, towns and street railway companies aforesaid the amounts apportioned to them by any commission appointed pursuant to this act, on application to the supreme judicial court or any justice thereof, or to the superior court or any justice thereof, and said courts shall have jurisdiction in equity or otherwise to enforce said payments. The city of Boston is hereby authorized and empowered to apply for and receive all payments or contributions toward such construction, reconstruction, alteration or repair which may be provided for by any applicable federal law, and shall apply the amounts so received ratably to the credit of the aforesaid cities, towns and street railway companies in the same proportions as the amounts apportioned by said commission to be collected from them.

Approved April 10, 1941.

AN ACT AUTHORIZING TOWNS TO APPROPRIATE MONEY FOR
THE PAYMENT OF CERTAIN UNPAID BILLS OF PREVIOUS
YEARS.

Chap. 179

Be it enacted, etc., as follows:

Chapter forty-four of the General Laws is hereby amended by inserting after section sixty-three, as appearing in the Tercentenary Edition, the following new section:—*Section 64.* Any town having unpaid bills of previous years which may be legally unenforceable due to the insufficiency of an appropriation in the year in which such bills were incurred, may, at an annual meeting by a four fifths vote, or at a special meeting by a nine tenths vote, of the voters present and voting at a meeting duly called, appropriate money to pay such bills; but no bill or payroll shall be approved for payment or paid from an appropriation voted under authority of this section unless and until certificates have been signed and filed with the selectmen, as hereinafter provided, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or employee of the town and that such goods and materials were delivered and actually received by the town or that such services were rendered to or for the town, as the case may be.

Every such certificate that goods, materials or services were so ordered shall be signed and filed by the official or employee of the town who ordered the same or, if he has ceased to be an official or employee of the town, by any official or employee of the town; every such certificate of delivery to the town of goods or materials shall be signed and filed by the vendor thereof or, if such vendor is a cor-

G. L. (Ter. Ed.), 44, new section 64, added.

Payment of unpaid accounts in towns incurred in previous years.

poration, shall be signed and filed by the treasurer thereof; every such certificate that goods or materials were received by the town shall be signed and filed by an official or employee of the town; and every such certificate of services rendered to or for the town shall be signed and filed by the person who rendered such services.

This section shall not prohibit or prevent appropriations by a majority vote for bills or obligations of previous years due to any other town or to a district, a city, a county or the commonwealth, or for legally incurred debt and interest the payment of which is provided for by any general or special law.

This section shall not apply to cities.

Approved April 11, 1941.

Chap. 180 AN ACT RELATIVE TO THE CONCURRENT JURISDICTION OF THE SUPREME JUDICIAL AND SUPERIOR COURTS WITH RESPECT TO CERTAIN INSURANCE MATTERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 213, § 1A, etc., amended.

Jurisdiction of supreme judicial and superior courts relative to certain insurance cases.

Section one A of chapter two hundred and thirteen of the General Laws, as amended by chapter twenty-eight of the acts of the current year, is hereby further amended by adding at the end the following: — , or under any of the provisions of chapter one hundred and seventy-five, relating to insurance, or of chapter one hundred and seventy-six, relating to fraternal benefit societies, or of chapter one hundred and seventy-eight, relating to savings bank life insurance, — so as to read as follows: — *Section 1A.* The superior court shall have original jurisdiction, concurrently with the supreme judicial court, of all proceedings relating to habeas corpus, certiorari, quo warranto and informations in the nature of a quo warranto, mandamus (except a writ of mandamus to a court or a judicial officer), and also of all matters relating to the dissolution of corporations, and of all cases and matters of equity of which the supreme judicial court has had exclusive original jurisdiction under section two of chapter two hundred and fourteen or otherwise, other than cases arising under the statutes relating to insolvency of which general superintendence and jurisdiction are given to it by those statutes, or arising under section five of chapter twenty-five, relating to the department of public utilities, or under section thirteen of chapter fifty-eight A, relating to the appellate tax board, or under chapters one hundred and sixty-seven, one hundred and sixty-eight and one hundred and seventy-two, relating to banks and banking, or under paragraph (F) of section twelve of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as amended by section five of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-seven, relating to the milk control board, or under any of the provisions of chapter one hundred and seventy-

five, relating to insurance, or of chapter one hundred and seventy-six, relating to fraternal benefit societies, or of chapter one hundred and seventy-eight, relating to savings bank life insurance.

Approved April 11, 1941.

AN ACT AUTHORIZING THE TOWN OF HARVARD TO ACQUIRE CERTAIN LANDS IN SAID TOWN FOR CEMETERY PURPOSES. Chap.181

Be it enacted, etc., as follows:

SECTION 1. The town of Harvard may acquire by purchase or gift, or may take by eminent domain under chapter seventy-nine of the General Laws, certain lands in said town now used for cemetery purposes, known as Shaker Cemetery, for use exclusively as a Shaker cemetery. Said acquisition or taking shall be subject to the rights of any and all lot owners in said lands.

SECTION 2. This act shall take full effect upon its acceptance, within a period of three years after its passage, by a majority of the registered voters of said town present and voting thereon at any annual or special town meeting.

Approved April 11, 1941.

AN ACT AUTHORIZING THE TOWN OF DENNIS TO TAKE OVER THE PROPERTIES AND TO ASSUME THE OBLIGATIONS OF THE DENNIS SOUTH IMPROVEMENT DISTRICT. Chap.182

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis is hereby authorized to take over all the property, rights and privileges of the Dennis South Improvement District, established in the year nineteen hundred and twenty-four under authority of chapter forty of the General Laws, and to assume all the duties and obligations of said district, and shall thereby become in all respects the lawful successor of said district.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Dennis present and voting thereon at any annual or special town meeting.

SECTION 3. Chapter twenty of the acts of nineteen hundred and thirty-five is hereby repealed.

Approved April 11, 1941.

AN ACT AUTHORIZING THE TOWN OF HARVARD TO LEASE OR RENT FROM THE TRUSTEES OF THE BROMFIELD SCHOOL LAND AND BUILDINGS OWNED BY SAID TRUSTEES. Chap.183

Be it enacted, etc., as follows:

The town of Harvard may lease or rent from the Trustees of the Bromfield School, for use for school and town building purposes, or either of said purposes, the buildings

and premises owned by said trustees. Any lease entered into under authority of this act shall be for a period of not more than thirty years and shall contain such provisions as may be mutually agreed upon by said trustees and said town.

Approved April 11, 1941.

Chap. 184 AN ACT RELATIVE TO MINIMUM RETIREMENT ALLOWANCES OF MEMBERS OF CERTAIN CONTRIBUTORY RETIREMENT SYSTEMS FORMERLY BELONGING TO OTHER SUCH SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 37E, etc., amended.

Minimum retirement allowances.

SECTION 1. Section thirty-seven E of chapter thirty-two of the General Laws, as most recently amended by section three of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out paragraph (1), as appearing in section twenty of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following paragraph: —

(1) An employee of a county, city, town or hospital district who, having been a member of a contributory retirement system previously existing in the same county, city, town or hospital district, joins a system established under the provisions of sections twenty to twenty-five H, inclusive, or of sections twenty-six to thirty-one H, inclusive, shall on retirement receive a retirement allowance at least equal to that to which he would have been entitled under the previously existing system or had there been no such previously existing system.

Application of act.

SECTION 2. This act shall apply to any employee referred to in section one who has been retired since January first, nineteen hundred and thirty-seven.

Approved April 11, 1941.

Chap. 185 AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO FUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet certain loans issued in the year nineteen hundred and forty under clause (9) of section eight of chapter forty-four of the General Laws, the city of Cambridge may borrow during the current year such sums, not exceeding, in the aggregate, six hundred and seventy-five thousand dollars, as may be necessary and may issue bonds or notes therefor, which shall bear on their face the words, City of Cambridge Funding Loan, Acts of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter

forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1941.

AN ACT FURTHER REGULATING THE REDUCTION OF DEPOSITS *Chap. 186*
IN CERTAIN SAVINGS BANKS.

Be it enacted, etc., as follows:

Section forty-four of chapter one hundred and sixty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: — ; provided, that at any time after the entry of a decree approving or ordering such a reduction of deposit accounts, said court or any justice thereof may by order finally determine the amount which said depositors are equitably entitled to receive in full settlement of their said deposit accounts and the manner of distribution of said amount, — so as to read as follows: — *Section 44.* The supreme judicial court or any justice thereof sitting in equity may, on petition of a savings bank or the trustees of a savings bank, approved by the commissioner, approve or order a reduction of the deposit account of each depositor therein, whenever the value of its assets is less than the total amount of its deposits so as to divide the loss equitably among said depositors. If thereafter the bank shall realize from said assets a greater sum than was fixed by said order of reduction, such excess shall be divided among the depositors whose accounts have been reduced, but to the extent of such reduction only; provided, that at any time after the entry of a decree approving or ordering such a reduction of deposit accounts, said court or any justice thereof may by order finally determine the amount which said depositors are equitably entitled to receive in full settlement of their said deposit accounts and the manner of distribution of said amount.

G. L. (Ter. Ed.), 168, § 44, amended.

Reduction of deposits.

Approved April 14, 1941.

AN ACT RELATIVE TO THE CONTENTS OF THE RECORD TRANSMITTED TO THE SUPREME JUDICIAL COURT IN APPELLATE PROCEEDINGS. *Chap. 187*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-five of chapter two hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding after the first paragraph the two following new paragraphs: —

G. L. (Ter. Ed.), 231, § 135, amended.

In preparing the record, a brief descriptive title of any paper to be contained therein shall be included, but the title of the court, name of the county, names of parties and other formal parts need not appear more than once. No bond, citation, verification, appearance or formal paper shall be

Transmission of record, contents of.

deemed a necessary part of the record unless some question in regard thereto is in issue but the contents thereof may be indicated. Matter which appears in two or more papers or portions thereof forming part of the record need be set forth only once therein, and at each place where such matter is omitted there shall be printed a notation of the omission, with a cross-reference to the place in the record where such matter appears.

The supreme judicial court may make and promulgate rules regulating the contents of the record and may in any case order the transmission of the original or a copy of any paper not appearing in the record, or appearing therein in an abbreviated form, if at any time such omitted paper or any omitted part of such abbreviated paper becomes material.

Effective
date.

SECTION 2. This act shall become operative on October first of the current year.

Approved April 14, 1941.

Chap. 188 AN ACT REVIVING THE CORPORATION KNOWN AS SAINT PATRICK'S RELIGIOUS, EDUCATIONAL AND CHARITABLE ASSOCIATION OF MASSACHUSETTS (WATERTOWN), AND VALIDATING CERTAIN ACTS AND PROCEEDINGS OF SAID CORPORATION.

Emergency
preamble.

Whereas, The corporation sought to be revived by this act was dissolved without its knowledge, thereby causing much inconvenience and uncertainty which should be removed as soon as possible, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Saint Patrick's Religious, Educational and Charitable Association of Massachusetts (Watertown), which was dissolved by chapter one hundred and fifty-seven of the Special Acts of nineteen hundred and seventeen, is hereby revived with the same powers, duties and obligations as if said chapter had not been passed, and all acts and proceedings of said corporation, its officers and directors which would be valid but for said chapter are hereby ratified and confirmed.

Approved April 15, 1941.

Chap. 189 AN ACT FURTHER EXTENDING THE EXISTENCE OF THE MASHPEE ADVISORY COMMISSION AND ENLARGING ITS AUTHORITY.

Emergency
preamble.

Whereas, The existence of the Mashpee Advisory Commission expires by law on April fifteenth next; and

Whereas, It is essential to the welfare of the inhabitants of the town of Mashpee that said commission be empowered to continue to function without interruption, and the deferred operation of this act would tend to defeat its purpose, which is to enable said commission so to function without

interruption, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-two is hereby amended by striking out section one, as most recently amended by section one of chapter two hundred and ninety-one of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 1.* There is hereby established an unpaid commission, under the title of the Mashpee Advisory Commission, hereinafter called the commission, to consist of three members, each of whom shall be the head of a state department or the head of a division thereof, designated by the governor, with the advice and consent of the council, and shall serve for a period terminating April fifteenth, nineteen hundred and forty-five. The governor, with like advice and consent, shall, from time to time, designate one of the members as chairman, may remove any member and shall fill any vacancy in the commission for the unexpired term. The action of any two of the members shall constitute the action of the commission; and whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by any two of the members. The commission may employ, at the expense of the town of Mashpee, such assistants as it may deem necessary. The commission may assign for specific or general employment one or more persons within a state department or division in charge of any member of the commission, and any expense incurred by reason of such assignment shall be certified by the commission to the state treasurer, and shall be collected by him as an additional state tax upon said town.

SECTION 2. Said chapter two hundred and twenty-three is hereby further amended by striking out section two and inserting in place thereof the following section: — *Section 2.* The commission shall have authority to supervise all financial affairs of said town, including the authority to fix salaries of such local officials as it deems advisable, and no appropriation shall be raised in any year, or appropriation expended and no debt incurred, except with the approval or upon the recommendation of the commission, which approval or recommendation shall be in writing. The town accountant appointed under authority of section fifty-five of chapter forty-one of the General Laws shall be appointed only with the approval of the commission.

The commission shall have authority to order compliance with laws relative to the assessment and collection of taxes. The supreme judicial court shall have summary power, upon petition of the commission, to enforce any such order or to remove from office any officer who has failed to comply with any such order.

Approved April 15, 1941.

Chap. 190 AN ACT PROVIDING FOR THE ESTABLISHMENT OF CIVIL SERVICE CLASSES AND GRADES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 31,
§ 3, etc.,
amended.

Civil service
grades, etc.

Section three of chapter thirty-one of the General Laws, as most recently amended by section one of chapter four hundred and ninety-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out clause (a) and inserting in place thereof the following clause: (a) The establishment of civil service classes and grades;

Approved April 23, 1941.

Chap. 191 AN ACT RELATIVE TO COMPLAINTS FOR ESCAPES FROM THE TEWKSBURY STATE HOSPITAL AND INFIRMARY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 122,
§ 24, amended.

Complaints
for escapes.

Chapter one hundred and twenty-two of the General Laws is hereby amended by striking out section twenty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 24.* Complaints for violations of section twenty-three may be made and prosecuted by any member of a board of public welfare or by the institutions department in Boston or by the superintendent of the Tewksbury state hospital and infirmary or an officer of said institution designated by said superintendent for such purpose or by agents, not exceeding two, appointed by the department and designated for such purpose. The district court of Lowell may, at such time as it appoints, hold sessions at Tewksbury for the trial of such complaints against inmates of said state hospital and infirmary.

Approved April 23, 1941.

Chap. 192 AN ACT RELATIVE TO APPROPRIATIONS BY THE CITY OF ATTLEBORO FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF SAID MUNICIPALITY AS A TOWN.

Be it enacted, etc., as follows:

The city of Attleboro may appropriate the sum of one thousand dollars during each of the fiscal years of nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three for the purpose of celebrating in nineteen hundred and forty-four the two hundred and fiftieth anniversary of the incorporation of said municipality as a town.

Approved April 23, 1941.

AN ACT RELATIVE TO THE NUMBER OF TRUSTEES OF CUSHING *Chap. 193*
ACADEMY.

Be it enacted, etc., as follows:

Section seven of chapter two hundred and sixty-five of the acts of eighteen hundred and sixty-five is hereby amended by striking out, in the first line, the word "thirteen" and inserting in place thereof the words: — not less than ten nor more than twenty, — so as to read as follows: — *Section 7.* The number of trustees shall be not less than ten nor more than twenty, five of whom shall be a quorum for the transaction of business except in the election or removal of trustees, when eight members present and voting shall be necessary; and the said Amasa Norcross is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of the said trustees and to notify them thereof.

Approved April 23, 1941.

AN ACT MAKING FURTHER CORRECTIONS IN THE STATUTES OF *Chap. 194*
THE COMMONWEALTH NECESSITATED BY THE CHANGE OF
NAME OF THE STATE DEPARTMENT, FORMERLY KNOWN AS
THE DEPARTMENT OF MENTAL DISEASES, TO THE DEPART-
MENT OF MENTAL HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter ten of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 17.* The state treasurer may receive the principal of any fund given or bequeathed to the commonwealth or to the department of mental health for the use of insane, feeble minded or epileptic persons or those addicted to the intemperate use of narcotics or stimulants in any institution or placed under the supervision of said department; and upon its request he shall expend the income of all such funds, and such part of the principal as may be subject to the control of said department, in such manner as it may direct, subject to any condition affecting the administration thereof. Said funds shall be invested safely by the state treasurer, and he shall be held responsible for the faithful management of the same in the same manner as for other funds held by him.

G. L. (Ter.
Ed.), 10, § 17,
amended.

Investment
of certain
trust funds.

SECTION 2. Chapter nineteen of the General Laws is hereby amended by striking out the title, as so appearing, and inserting in place thereof the following title: —

G. L. (Ter.
Ed.), 19, title
changed.

DEPARTMENT OF MENTAL HEALTH.

SECTION 3. Paragraph (5) of section two of chapter thirty-two of the General Laws, as appearing in section one

G. L. (Ter.
Ed.), 32, § 2,
Par. (5), etc.,
amended.

of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the second line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: —

Retirement
of employees
of certain
institutions
and schools.

(5) Persons in the service at any institution or school in the department of mental health, the department of public health, the department of public welfare or at the state farm, whose employment is not subject to chapter thirty-one and the rules and regulations made thereunder, shall become members after completing one year of service, unless they shall sooner become members following an application in writing for membership. The pertinent provisions of paragraph (3) of this section shall apply to persons in the service of such institutions whose employment is subject to chapter thirty-one.

G. L. (Ter.
Ed.), 71, § 46,
amended.

SECTION 4. Section forty-six of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third and in the twelfth lines, the word "diseases" and inserting in place thereof, in each instance, the word: — health, — so as to read as follows: — *Section 46.* The school committee of every town shall annually ascertain, under regulations prescribed by the department and the department of mental health, the number of children three years or more retarded in mental development in attendance upon its public schools, or of school age and resident therein. At the beginning of each school year, the committee of every town where there are ten or more such children shall establish special classes for their instruction according to their mental attainments, under regulations prescribed by the department. A child appearing to be mentally retarded in any less degree may, upon request of the superintendent of schools of the town where he attends school, be examined under such regulations as may be prescribed by the department and the department of mental health. No child under the control of the department of public welfare or of the child welfare division of the institutions department of the city of Boston, who is three years or more retarded in mental development within the meaning of this section, shall, after complaint made by the school committee to the department of public welfare or said division, be placed in a town which is not required to maintain a special class as provided for in this section.

G. L. (Ter.
Ed.), 111,
§ 70, amended.

SECTION 5. Section seventy of chapter one hundred and eleven of the General Laws, as so appearing, is hereby amended by striking out, in the twelfth line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 70.* Hospitals supported in whole or in part by contributions from the commonwealth or from any town, incorporated hospitals offering treatment to patients free of charge, and incorporated hospitals conducted as public charities shall keep records of

Certain
hospitals to
keep records.
Inspection.

the treatment of the cases under their care and the medical history of the same. Such records and similar records kept prior to April twenty-fifth, nineteen hundred and five, shall be in the custody of the person in charge of the hospital. Section ten of chapter sixty-six shall not apply to such records; provided, that upon proper judicial order, whether in connection with pending judicial proceedings or otherwise, or, except in the case of records of hospitals under the control of the department of mental health, upon order of the head of the state department having supervision of such hospital, and in compliance with the terms of said order, such records may be inspected and copies furnished on payment of a reasonable fee.

SECTION 6. Section fifty-eight A of chapter one hundred and nineteen of the General Laws, as so appearing, is hereby amended by striking out, in the fifth line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 58A.* Prior to the commitment, by way of final disposition to any public institution or to the department, of a child adjudged to be a delinquent child, the court shall cause such child to receive thorough physical and mental examinations, under rules and regulations prescribed by the commissioner of mental health. The court shall cause copies of the reports showing the results of such examinations and of the investigation made by the probation officer to be forwarded to the superintendent of the institution to which such child is committed or to the department, as the case may be, with the warrant of commitment.

G. L. (Ter. Ed.), 119, § 58A, amended.

Mental, etc., examination of children prior to commitment as delinquents.

SECTION 7. Section twenty-two A of chapter one hundred and twenty-three of the General Laws, as so appearing, is hereby amended by striking out, in the fifteenth line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 22A.* The department shall, subject to all provisions of law now or hereafter in effect, have the same supervision over the commitment of insane persons to the Bridgewater state hospital as it has over the commitment of insane persons to other state hospitals under the provisions of this chapter; it shall have the same authority to discharge or transfer inmates of said Bridgewater state hospital who are not under sentence, or whose sentences have expired, as it has to discharge or transfer inmates of other state hospitals. In construing this section a maximum and minimum sentence shall be held to have expired at the end of the minimum term, and an indeterminate sentence, at the end of the maximum period fixed by law. But the said Bridgewater state hospital shall remain under the jurisdiction of the department of correction and the control of the superintendent of the state farm. Nothing herein contained shall be construed as conferring on the department of mental health any authority to change or vary, except as herein provided, the decree or order of a court having competent jurisdiction.

G. L. (Ter. Ed.), 123, § 22A, amended.

Special provisions as to Bridgewater state hospital.

G. L. (Ter.
Ed.), 123,
§ 66A,
amended.

Commitment
of feeble
minded
persons.

SECTION 8. Section sixty-six A of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the fourteenth line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 66A.* If an alleged feeble minded person is found, upon examination by a physician qualified as provided by section fifty-three, to be a proper subject for commitment, the judge of probate for the county in which such person resides or is found may upon application commit him to the custody or supervision of the department; but no person shall be so committed unless the approval of the department shall be filed with the application for his commitment. If he is committed to the custody or supervision of the department, the department shall thereafter have power, whenever advisable, to transfer him to a state school for the feeble minded, or may cause an application to be made for his removal to a department for defective delinquents, and such person may be so removed in the manner provided by section one hundred and sixteen. If the alleged feeble minded person is committed to the custody or supervision of the department of mental health, the said department may temporarily release him in the manner provided by, and subject to, the provisions of section eighty-eight, or may discharge him under section eighty-nine.

G. L. (Ter.
Ed.), 123,
§ 89A,
amended.

Discharge
from custody
of department
of certain
persons.

SECTION 9. Section eighty-nine A of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the eighth, the eighteenth and the nineteenth lines, the word "diseases" and inserting in place thereof, in each instance, the word: — health, — so as to read as follows: — *Section 89A.* If at any time, after study and observation, the superintendent of a state school having custody of a person placed therein under section sixty-six A is of opinion that such person is not defective, or that his further detention is not required for his own or the public welfare, he shall so report to the department, which may thereupon discharge such person from further care and custody. Any parent, guardian, relative or friend of a person committed to the custody or supervision of the department of mental health or to a department for defective delinquents may at any time file a petition for a hearing in the probate court of the county in which such person resided or was found when first committed, to establish that further custody or supervision is not required for the welfare of such person or the public; and upon payment of the necessary traveling expenses by said petitioner, from the place where such person is detained to the place of hearing, and the giving of security for the payment of necessary expenses for a return to such place of detention, if a return shall be ordered, the probate court may by order require the attendance of such person at said hearing. Upon filing with the department of mental health or with the commissioner of correction, as the case may be, a certified copy of said order, the department of mental health or the commissioner of correction shall

authorize and direct the attendance of such person at such hearing in compliance with the terms of said order. Notice of such hearing and proceedings thereupon shall be such as are prescribed by the court.

SECTION 10. Section eighty-nine B of said chapter one hundred and twenty-three, as amended by section one of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the fifth and in the ninth lines, the word "diseases" and inserting in place thereof, in each instance, the word:— health,— so as to read as follows:— *Section 89B.* If, at said hearing, the contention of the petitioner is sustained, the probate court may order the immediate discharge of such person and file a copy of such order with the commissioner of mental health or the commissioner of correction, as the case may be, and such person shall thereupon be discharged accordingly. If such contention is not sustained, such person shall be remanded to the custody or supervision of the department of mental health or to the department for defective delinquents; provided, that, except in the case of an inmate of a department for defective delinquents, the probate court may, in lieu of such immediate discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for his safe care and custody and for his appearance in court whenever required, until discharged or remanded as herein provided.

G. L. (Ter. Ed.), 123, § 89B, etc., amended.

Same subject.
Order of court.

SECTION 11. Section one hundred A of said chapter one hundred and twenty-three, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh and eighth lines, the words "of mental diseases, and the department" and inserting in place thereof the following:— , which,— so as to read as follows:— *Section 100A.* Whenever a person is indicted by a grand jury for a capital offense or whenever a person, who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony, is indicted by a grand jury or bound over for trial in the superior court, the clerk of the court in which the indictment is returned, or the clerk of the district court or the trial justice, as the case may be, shall give notice to the department, which shall cause such person to be examined with a view to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. Whenever the probation officer of such court has in his possession or whenever the inquiry which he is required to make by section eighty-five of chapter two hundred and seventy-six discloses facts which if known to the clerk would require notice as aforesaid, such probation officer shall forthwith communicate the same to the clerk who shall thereupon give such notice unless already given. The department shall file a report of its investigation with the clerk of the court in which the trial is to be held, and the report shall be

G. L. (Ter. Ed.), 123, § 100A, amended.

Investigation of mental condition of certain persons held for trial.

accessible to the court, the probation officer thereof, the district attorney and to the attorney for the accused. In the event of failure by the clerk of a district court or the trial justice to give notice to the department as aforesaid, the same shall be given by the clerk of the superior court after entry of the case in said court. Upon giving the notice required by this section the clerk of a court or the trial justice shall so certify on the papers. The physician making such examination shall, upon certification by the department, receive the same fees and traveling expenses as provided in section seventy-three for the examination of persons committed to institutions and such fees and expenses shall be paid in the same manner as provided in section seventy-four for the payment of commitment expenses. Any clerk of court or trial justice who wilfully neglects to perform any duty imposed upon him by this section shall be punished by a fine of not more than fifty dollars.

G. L. (Ter.
Ed.), 123,
§ 113, amended.

Commit-
ment to
department
for defective
delinquents
or for drug
addicts.

SECTION 12. Section one hundred and thirteen of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the ninth line, the word "diseases" and inserting in place thereof the word:— health,— so as to read as follows:— *Section 113.* At any time prior to the final disposition of a case in which the court might commit an offender to the state prison, the reformatory for women, any jail or house of correction, the Massachusetts reformatory, the state farm, the industrial school for boys, the industrial school for girls, the Lyman school, any county training school, or to the custody of the department of public welfare, for any offense not punishable by death or imprisonment for life, a district attorney, probation officer or officer of the department of correction, public welfare or mental health may file in court an application for the commitment of the defendant in such a case to a department for defective delinquents established under sections one hundred and seventeen and one hundred and twenty-four, or to a department for the care and treatment of drug addicts, established by the governor and council under authority of said sections. On the filing of such an application the court may continue the original case from time to time to await disposition thereof. If, on a hearing on an application for commitment as a defective delinquent, the court finds the defendant to be mentally defective and, after examination into his record, character and personality, that he has shown himself to be an habitual delinquent or shows tendencies towards becoming such and that such delinquency is or may become a menace to the public, and that he is not a proper subject for the schools for the feeble minded or for commitment as an insane person, the court shall make and record a finding to the effect that the defendant is a defective delinquent and may commit him to such a department for defective delinquents according to his age and sex, as hereinafter provided. If, on a hearing on an application for commitment as a drug addict, it appears

that the defendant is addicted to the intemperate use of stimulants or narcotics, the court may commit him to a department for the care and treatment of drug addicts if and when such a department is provided.

SECTION 13. Section six of chapter two hundred and one of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the word "diseases" and inserting in place thereof the word: — health, — and by striking out, in the fifth line, the words "the following section" and inserting in place thereof the words: — section seven, — so as to read as follows: — *Section 6.* Two or more relatives or friends of an insane person, or the mayor and aldermen of a city or the selectmen of a town in which he is an inhabitant or resident, or the department of mental health, may file a petition in the probate court asking to have a guardian appointed for him; and if after notice as provided in section seven and a hearing the court finds that he is incapable of taking care of himself, it shall appoint a guardian of his person and estate. A copy of such appointment shall be sent by mail by the register to the said department. The court may require additional medical testimony as to the mental condition of the person alleged to be insane and may require him to submit to examination. It may also appoint one or more physicians, expert in insanity, to examine such person and report their conclusions to the court. Reasonable expense incurred in such examination shall be paid out of the estate of such person or by the county as may be determined by the court.

G. L. (Ter. Ed.), 201, § 6, amended.

Appointment of guardian of insane person.

SECTION 14. Section seven of said chapter two hundred and one, as so appearing, is hereby amended by striking out, in the fourth line, the word "diseases" and inserting in place thereof the word: — health, — so as to read as follows: — *Section 7.* Upon such petition the court shall cause not less than seven days' notice of the time and place appointed for the hearing to be given to the alleged insane person, to the department of mental health, and, if the alleged insane person is entitled to any benefit, estate or income paid or payable by or through the United States veterans' bureau or its successor, to said bureau or its successor, except that the court may, for cause shown, direct that a shorter notice be given. No appointment shall be made without such notice to the heirs apparent or presumptive of the alleged insane person, including the husband or wife, if any, as the court may order. In the matter of said petition and all subsequent proceedings relating thereto said bureau or its successor shall be deemed to be a party in interest if the alleged insane person is so entitled.

G. L. (Ter. Ed.), 201, § 7, amended.

Notice.

SECTION 15. Section thirteen of said chapter two hundred and one, as amended by section one of chapter two hundred and four of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the fifth line, the word "diseases", and inserting in place thereof the word: — health, — so as to read as follows: —

G. L. (Ter. Ed.), 201, § 13, etc., amended.

Termination
of guardian-
ship.

Section 13. The guardian of an insane person or spendthrift may be discharged by the probate court, upon the application of the ward or otherwise, when it appears that the guardianship is no longer necessary; except that in the case of an insane person seven days' notice of the petition shall be given to the department of mental health. In the event of the death, resignation or removal of the guardian of an insane person, the court, on the application of the former ward and after notice to his heirs apparent or presumptive, including the husband or wife, if any, and to the said department, may certify that the said ward is discharged by operation of law and, if it so appears, that guardianship of said ward is no longer necessary.

G. L. (Ter.
Ed.), 201,
§ 14, amended.

Appointment,
etc., of
temporary
guardians.

SECTION 16. Section fourteen of said chapter two hundred and one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "diseases" and inserting in place thereof the word:— health,— so as to read as follows:— *Section 14.* Upon petition of a mayor or the selectmen, the board of public welfare, the department of mental health, or other person in interest, the court may, if it finds that the welfare of a minor, insane person or spendthrift requires the immediate appointment of a temporary guardian of his person and estate, appoint a temporary guardian of such minor, insane person or spendthrift, with or without notice, and may in like manner remove or discharge him or terminate the trust. A temporary guardian may proceed and continue in the execution of his duties, notwithstanding an appeal from the decree appointing him, until it is otherwise ordered by the supreme judicial court, or until the appointment of a permanent guardian, or until the trust is otherwise legally terminated.

G. L. (Ter.
Ed.), 202,
§ 12, amended.

License of
guardian to
sell real estate.

SECTION 17. Section twelve of chapter two hundred and two of the General Laws, as so appearing, is hereby amended by striking out, in the sixth line, the word "diseases" and inserting in place thereof the word:— health,— so as to read as follows:— *Section 12.* No license to sell real estate shall be granted to the guardian of a spendthrift who resides in the commonwealth, or of an insane person, unless seven days' notice of the petition therefor has been given to the board of public welfare of the town where the spendthrift resides, or, in the case of an insane person, to the department of mental health. Such notice may be served upon any member of said board or department.

G. L. (Ter.
Ed.), 206,
§ 7, amended.

Notice before
allowance of
guardian's
account.

SECTION 18. Section seven of chapter two hundred and six of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the word "diseases" and inserting in place thereof the word:— health,— so as to read as follows:— *Section 7.* No final account or discharge of a guardian of an insane person shall be allowed unless at least seven days' notice has been given to the department of mental health. No account of a guardian of an insane person or of a conservator shall be allowed without such notice as

the court may order to the United States veterans' bureau or its successor if the ward is entitled to any benefit, estate or income paid or payable by or through said bureau or its successor.

SECTION 18A. Section five of chapter two hundred and seven of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the word "diseases" and inserting in place thereof the word:— health, — so as to read as follows:— *Section 5.* An insane person, an idiot, or a feeble-minded person under commitment to an institution for the feeble-minded, to the custody or supervision of the department of mental health, or to an institution for mental defectives, shall be incapable of contracting marriage. The validity of a marriage shall not be questioned by reason of the insanity, idiocy or of the feeble-mindedness aforesaid of either party in the trial of a collateral issue, but shall be raised only in a process instituted in the lifetime of both parties to test such validity.

G. L. (Ter. Ed.), 207, § 5, amended.

Marriage, etc., of insane persons prohibited.

SECTION 19. Section thirty of chapter two hundred and eighteen of the General Laws, as so appearing, is hereby amended by striking out, in the tenth line, the word "diseases" and inserting in place thereof the word:— health, — so as to read as follows:— *Section 30.* They shall commit or bind over for trial in the superior court persons brought before them who appear to be guilty of crimes not within their final jurisdiction, and may so commit or bind over persons brought before them who appear to be guilty of crimes within their final jurisdiction. In such cases the clerk of the district court shall forthwith transmit to the clerk of the superior court a copy of the complaint and of the record, the original recognizances, a list of the witnesses, a statement of the expenses and the appearance of the attorney for the defendant, if any is entered, and the report of the department of mental health as to the mental condition of the defendant, if such report has been filed under the provisions of section one hundred A of chapter one hundred and twenty-three, and no other papers need be transmitted. If such a person is committed for failure to recognize as ordered, the superior court shall thereupon have jurisdiction of the case against such person for the purpose of revising the amount of bail theretofore fixed.

G. L. (Ter. Ed.), 218, § 30, amended.

Binding over to superior court.

SECTION 20. Section one of chapter four hundred and twenty-one of the acts of nineteen hundred and thirty-five is hereby amended by striking out, in the fifth and in the eighth lines, the word "diseases" and inserting in place thereof, in each instance, the word:— health, — so as to read as follows:— *Section 1.* As soon as funds become available for the construction of a state hospital for the criminal insane, the commissioner of correction is hereby authorized, with the approval of the governor and council, to transfer to the department of mental health the control of so much of the land now occupied by the state prison colony at Norfolk as, in the opinion of the commissioner of correc-

tion, the commissioner of mental health and the chairman of the commission on administration and finance, may be necessary for such a state hospital.

SECTION 21. Section two of said chapter four hundred and twenty-one is hereby amended by striking out, in the second line, the word "diseases" and inserting in place thereof the word:— health, — so as to read as follows:— *Section 2.* Upon the transfer to the department of mental health of the control of any land under section one there shall be constructed thereon a state hospital for the criminal insane, to be known as the Norfolk state hospital, and any funds received from the federal government may be used for such construction. Upon receipt of notification from said department that said state hospital is ready for the reception of patients, the governor shall issue his proclamation establishing said hospital and fixing a time for the opening thereof for use as a state hospital for the criminal insane. Thereupon said hospital shall be subject to all provisions of law applicable to state hospitals for the criminal insane, under the control of said department. As soon as may be after the time fixed by such proclamation, all insane criminals then confined at the Bridgewater state hospital shall be transferred to said Norfolk state hospital or to some other state hospital under the control of said department.

Approved April 23, 1941.

Chap. 195 AN ACT PROVIDING THAT CERTAIN EMPLOYEES IN THE CLASSIFIED PUBLIC SERVICE SHALL NOT BE SUBJECT TO A PROBATIONARY PERIOD.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 47A, added.

Probationary period application limited.

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-seven, as appearing in the Tercentenary Edition, the following new section:— *Section 47A.* Whenever any city or town accepts any provisions of this chapter, any person then employed by such city or town, whose position or employment is thereby placed in the classified public service, shall be deemed to hold office or employment in such service without being subject to any probationary period; provided, that such person has been employed in that position or employment by such city or town for a period of at least two years next preceding the date of such acceptance.

Approved April 23, 1941.

Chap. 196 AN ACT PROVIDING THAT INMATES OF THE TEWKSBURY STATE HOSPITAL AND INFIRMARY MAY BE REQUIRED TO PERFORM LABOR.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 117, § 21, amended.

Section twenty-one of chapter one hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word

"town" in the first line the words: — or in the Tewksbury state hospital and infirmary, — so as to read as follows: —
Section 21. A person receiving aid in an infirmary of a town or in the Tewksbury state hospital and infirmary may be required by the officer in charge thereof to perform such labor as the official physician shall certify is suitable for him.

Persons to
work in
Tewksbury
state hospital.

Approved April 23, 1941.

AN ACT FURTHER EXTENDING THE TIME DURING WHICH THE CITIES OF LYNN, PEABODY, SALEM AND BEVERLY AND THE TOWN OF DANVERS MAY TAKE WATER FROM THE IPSWICH RIVER FOR EMERGENCY PURPOSES.

Chap. 197

Be it enacted, etc., as follows:

Chapter one hundred and fifteen of the Special Acts of nineteen hundred and nineteen is hereby amended by striking out section one, as most recently amended by chapter eighty-eight of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section: —
Section 1. The cities of Lynn, Peabody, Salem and Beverly and the town of Danvers, authorized to take water from the Ipswich river or its tributaries during the months from December to May, inclusive, under the provisions of chapter five hundred and eight of the acts of nineteen hundred and one and chapters six hundred and ninety-eight, six hundred and ninety-nine and seven hundred of the acts of nineteen hundred and thirteen, are hereby authorized, in case of emergency, to take water from said river or its tributaries during the months from June to November, inclusive, in quantities not exceeding those which, under said acts, may be taken from December to May, inclusive, whenever, in the opinion of the department of public health, the taking of water during the months from June to November, inclusive, is necessary to provide an adequate water supply for the cities and town herein mentioned. All takings of water under authority hereof shall be subject to said acts, as amended hereby.

Approved April 23, 1941.

AN ACT EXTENDING THE RIGHT OF APPEAL TO BOARDS OF APPEALS UNDER MUNICIPAL ZONING LAWS, SO CALLED.

Chap. 198

Be it enacted, etc., as follows:

SECTION 1. Section thirty of chapter forty of the General Laws, as amended by sections one and two of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the paragraph contained in the fifty-fourth to the sixtieth lines, as appearing in section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-three, and inserting in place thereof the two following paragraphs: —

G. L. (Ter.
Ed.), 40,
§ 30, etc.,
amended.

Repeal and
modification
of ordinances
or by-laws.

Such ordinances or by-laws may provide that, in addition to appeals provided for under the foregoing provisions of this section, appeals may be taken to the board of appeals by any officer or board of the city or town, or by any person aggrieved by any order or decision of the inspector of buildings or other administrative official in violation of any provision of sections twenty-five to thirty A, inclusive, or any ordinance or by-law adopted thereunder, and may prescribe a reasonable time within which appeals under this paragraph and the preceding paragraph may be taken.

Any such appeal shall be taken within the time prescribed by ordinance or by-law in case the time for appeal is so prescribed, otherwise within a reasonable time provided by rule of the board of appeals, by filing with the officer or board from whose order or decision the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof; provided, that, in any town whose by-laws so provide, such notice of appeal shall be filed with the town clerk, who shall forthwith transmit copies thereof to such officer or board and to the members of the board of appeals. Such officer or board shall forthwith transmit to the board of appeals all documents and papers constituting the record of the case in which the appeal was taken.

G. L. (Ter.
Ed.), 40,
§ 30, etc.,
further
amended.

SECTION 2. Said section thirty, as so amended, is hereby further amended by striking out clause (1), contained in the seventy-second to the seventy-sixth lines, as so appearing, and inserting in place thereof the following clause: —

Hearings.

(1) To hear and decide appeals taken as provided in this section or in an ordinance or by-law authorized under this section.

Certain
existing
ordinances
not affected.

SECTION 3. Ordinances and by-laws purportedly in effect on the effective date of this act, in so far as they are in conformity with said section thirty, as amended by this act, shall, from and after said effective date, be in full force and effect without being readopted.

Approved April 23, 1941.

Chap. 199 AN ACT RELATIVE TO THE FURNISHING OF CERTAIN FORMS UNDER THE LAW RELATIVE TO ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 138,
§ 38, etc.,
amended.

Section thirty-eight of chapter one hundred and thirty-eight of the General Laws, inserted by section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the first line, the words "state secretary" and inserting in place thereof the word: — commission, — and by striking out, in the third line, the words "the preceding section" and inserting in place thereof the words: — section thirty-seven, — so as to read as follows: — *Section 38.* The commission shall provide and cause officers to be supplied with a suitable number of the forms prescribed by section thirty-

Certain forms
to be provided
by commis-
sion.

seven. The certificate of the department of public health, given substantially in the form hereinbefore set forth, shall be admitted as evidence on trials for the forfeiture of alcoholic beverages as to the composition and quality of the beverages to which it relates. *Approved April 23, 1941.*

AN ACT GRANTING CERTAIN ADDITIONAL POWERS TO THE *Chap. 200*
HENRY O. PEABODY SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

Henry O. Peabody School for Girls, incorporated on April twenty-second, nineteen hundred and eight, under the provisions of chapter one hundred and twenty-five of the Revised Laws, is hereby authorized, in addition to its present powers, to act as trustee under the fourth clause of the will of Henry O. Peabody, late of Boston, Massachusetts, probate docket number one hundred and twenty-four thousand, four hundred and eighty-four, and to carry out the decrees of the probate court with respect thereto.

Approved April 23, 1941.

AN ACT PENALIZING THE UNLAWFUL POSSESSION, HANDLING *Chap. 201*
OR CONSUMPTION OF CERTAIN LIQUIDS AND ARTICLES BY
INMATES OF THE TEWKSBURY STATE HOSPITAL AND
INFIRMARY.

Be it enacted, etc., as follows:

Chapter one hundred and twenty-two of the General Laws is hereby amended by inserting after section twenty, as appearing in the Tercentenary Edition, the following new section:— *Section 20A.* Any inmate of said institution who has in his possession, within or outside the precincts thereof, any liquid or other article with intent to consume the same as an inebriant, or to convey, give, sell or deliver the same to any other inmate thereof for such consumption, shall be punished by a fine of not more than fifty dollars or by imprisonment in a jail or house of correction for not more than six months. This section shall not apply to the possession, handling or consumption of any such liquid or article under lawful direction of a physician.

G. L. (Ter. Ed.), 122, new section 20A, added.

Unlawful possession, etc., of drugs, etc., by inmates of Tewksbury state hospital.

Approved April 23, 1941.

AN ACT RELATIVE TO THE SUBMISSION TO THE VOTERS OF *Chap. 202*
THE CITY OF GARDNER, THE QUESTION OF APPROVING OR
DISAPPROVING ORDERS AUTHORIZING THE ISSUE OF BONDS,
NOTES OR CERTIFICATES OF INDEBTEDNESS FOR CERTAIN
PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The question of the acceptance of section eight A of chapter forty-four of the General Laws, inserted by section one of chapter one hundred and eight of the acts

of nineteen hundred and thirty-nine, shall be submitted to the registered voters of the city of Gardner at the municipal election to be held in said city in the current year, in the form of the following question, which shall be placed upon the official ballot to be used at such municipal election: — "Shall section 8A of chapter 44 of the General Laws, relative to submitting to the voters of certain cities the question of approving or disapproving orders authorizing the issue of bonds, notes, or certificates of indebtedness for certain purposes, be accepted?" If a majority of the voters of the city of Gardner voting on the question votes in the affirmative, said section eight A shall thereupon take full effect with respect to said city, but not otherwise.

SECTION 2. Notwithstanding the failure of the city of Gardner to comply with the requirements of section two of chapter one hundred and eight of the acts of nineteen hundred and thirty-nine, said city may, from the date of the passage of this act and up to and including November third in the current year, pass and adopt, in accordance with the provisions of its charter, orders authorizing the issue of bonds, notes or certificates of indebtedness for any purpose specified in any applicable clause of section seven of chapter forty-four of the General Laws, other than clause (11), or specified in clause (3), (4), (5), (6), (7), (8), (10) or (12) of section eight of said chapter forty-four.

SECTION 3. All laws, general or special, relating to the city of Gardner in force at the time when this act takes full effect, insofar as the same are inconsistent herewith, are hereby repealed.

Approved April 23, 1941.

Chap. 203 AN ACT RELATIVE TO THE REMOVAL OF MOTOR VEHICLE TORT CASES, SO CALLED, FROM DISTRICT COURTS TO THE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and two A of chapter two hundred and thirty-one of the General Laws, as most recently amended by section one of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the ninth line, the word "four" and inserting in place thereof the word: — six, — so that the first paragraph will read as follows: — A party bringing in a district court an action of tort arising out of the operation of a motor vehicle shall thereby be deemed to have waived a trial by jury and any right of appeal to the superior court, unless said action is removed to the superior court as provided in this section, but in case such action is so removed by any other party the plaintiff shall have the same right to claim a jury trial as if the action had been originally brought in the superior court. Not more than six days after the entry of such an action in a district court, or at any time thereafter by leave of such court

G. L. (Ter. Ed.), 231, § 102A, etc., amended.

Removal of certain actions brought in district courts.

if it finds that there is another action pending in the superior court with which such action should be consolidated for trial, the plaintiff may file in the district court a claim of trial by the superior court, with or without jury, and an affidavit by his counsel of record, if any, and if none, the affidavit of such party, that in his opinion there is an issue of fact or law requiring trial in the cause and that such trial is in good faith intended, together with the sum of three dollars for the entry of the cause in the superior court. The clerk shall forthwith transmit the papers in the cause and said entry fee to the clerk of the superior court, and the case shall proceed as though originally entered there.

SECTION 2. Said section one hundred and two A of said chapter two hundred and thirty-one, as so amended, is hereby further amended by inserting after the word "thereto" in the twenty-eighth line the words:—; provided, that the provisions of section one hundred and four requiring the filing of a bond shall not apply to such action if the payment of any judgment for costs which may be entered against the defendant is secured, in whole or in part, by a motor vehicle liability bond or policy, or a deposit as provided in section thirty-four D of chapter ninety, — so that the second paragraph will read as follows:—

G. L. (Ter. Ed.), 231, § 102A, etc., further amended.

No other party to such action shall be entitled to an appeal. In lieu thereof, any such other party may remove such action to the superior court and the pertinent provisions of sections one hundred and four to one hundred and ten, inclusive, shall apply thereto; provided, that the provisions of section one hundred and four requiring the filing of a bond shall not apply to such action if the payment of any judgment for costs which may be entered against the defendant is secured, in whole or in part, by a motor vehicle liability bond or policy, or a deposit as provided in section thirty-four D of chapter ninety. If a trial by jury is claimed by any party such action may be marked for trial upon the list of causes advanced for speedy trial by jury.

Same subject.

SECTION 3. This act shall take effect on September first in the current year.

Approved April 23, 1941.

Effective date.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CITY ENGINEER OF THE CITY OF HOLYOKE UNDER THE CIVIL SERVICE LAWS. Chap. 204

Be it enacted, etc., as follows:

SECTION 1. The office of city engineer of the city of Holyoke shall, upon the effective date of this act, become subject to the civil service laws, rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date shall continue to serve therein only until the expiration of his term of office unless prior thereto he passes a non-competitive qualifying exam-

ination to which he shall be subjected by the division of civil service.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1941.

Chap.205 AN ACT RELATIVE TO THE INSERTION OF CERTAIN ARTICLES
IN WARRANTS FOR TOWN MEETINGS IN THE TOWN OF
MANSFIELD.

Be it enacted, etc., as follows:

Chapter five hundred and eighty-six of the acts of nineteen hundred and twenty is hereby amended by inserting after section thirty-six, under the caption "*Amendment of this Act*", the following new section: — *Section 36A.* Notwithstanding any provision of law to the contrary, no article containing any proposed amendment of this act shall be inserted by the selectmen in the warrant for any annual or special town meeting, unless the insertion of such article shall be requested in writing by not less than fifteen per cent of the total number of registered voters of the town.

Approved April 24, 1941.

Chap.206 AN ACT EMPOWERING THE UNITED STATES POST OFFICE IN-
SPECTION SERVICE MUTUAL BENEFIT ASSOCIATION, INC.
TO AUTHORIZE ITS MEMBERS TO USE PROXIES IN VOTING.

Be it enacted, etc., as follows:

United States Post Office Inspection Service Mutual Benefit Association, Inc., a Massachusetts fraternal benefit society organized under general law, may, by its constitution and by-laws, or either, authorize its members to use proxies in voting and determine the mode of such voting.

Approved April 24, 1941.

Chap.207 AN ACT RELATIVE TO THE USE OF CERTAIN PARK LAND IN
THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized by vote at any town meeting held within two years after the passage of this act to discontinue the use for park purposes of a tract of land within the town, containing about fifteen acres, situate in part under the waters of and in part adjacent to Judkins pond, so called, and thereafter to use and maintain said land as a public playground or recreation center under the provisions of section fourteen of chapter forty-five of the General Laws and to adopt by-laws and authorize the board, committee or commission having care or control of said land or authorized by said town to exercise any of the powers conferred by said section fourteen to make rules for

the use and government of the same. Said land is more particularly described as follows: —

Beginning at the northwesterly corner of said tract at the easterly line of the location of the Boston and Maine railroad, the line runs southeasterly in two courses, one hundred and eighty-three feet and two hundred and eight feet to the easterly line of Holland street, thence northerly by said easterly line of Holland street forty-seven feet, thence southeasterly one hundred and eighty-seven feet to the westerly line of Nelson street, thence southerly by said westerly line of Nelson street one hundred and thirteen feet, thence southeasterly by the southwesterly line of Nelson street one hundred and forty-four feet, thence southwesterly in two courses by the fence as it now stands five hundred and ninety feet and forty-seven feet to the shore of Judkins pond, thence southerly and southwesterly by the shore of said pond four hundred feet, thence westerly across the pond one hundred and twenty feet to the northeasterly corner of land of Thomas E. McCormack, thence still westerly by said land of McCormack and land of Elizabeth Fitzgerald one hundred and seventy-seven feet, thence southerly ninety-four feet, and westerly fifty-two feet by said land of Fitzgerald to said easterly line of the Boston and Maine railroad location, thence northeasterly by said line of said location one thousand three hundred and sixty-three feet to the point of beginning, all of said measurements being more or less.

Approved April 24, 1941.

AN ACT RELATIVE TO THE INSPECTION AND SUPERVISION OF
ELECTRICAL WIRING WITHIN BUILDINGS AND STRUCTURES
IN THE CITY OF CAMBRIDGE. *Chap. 208*

Be it enacted, etc., as follows:

Any provision of general or special law to the contrary notwithstanding, the city of Cambridge may by ordinance provide that the inspection and supervision of electrical wiring within buildings and structures in said city shall be placed under the supervision and control of the building department of said city.

Approved April 24, 1941.

AN ACT TO CLARIFY THE LAW WITH RESPECT TO RECORDS OF
ABATEMENT OF LOCAL TAXES. *Chap. 209*

Be it enacted, etc., as follows:

Chapter fifty-nine of the General Laws is hereby amended by striking out section sixty, as appearing in the Tercentenary Edition, and inserting in place thereof the following new section: — *Section 60.* Every board of assessors shall record all abatements of taxes. The record of abatement of the whole or any part of any tax shall be signed by a majority of the board and shall show plainly the following details:

G. L. (Ter.
Ed.), 59, § 60,
amended.

Records of
abatements.

First, The name or title in which the tax stands assessed.

Second, The year in which the tax was assessed.

Third, The total amount of the tax.

Fourth, The date when the abatement was made.

Fifth, The sum abated on poll tax.

Sixth, The sum abated on personal estate.

Seventh, The sum abated on real estate.

Eighth, The total sum abated.

Ninth, In case of an abatement to put into effect a statutory exemption, exact reference to the statutory provision under which the exemption is granted.

The assessors shall forthwith upon making an abatement furnish the tax collector with a copy thereof.

The records which boards of assessors are required to keep pursuant to this section shall be kept, in the order in which such abatements of taxes are granted, in a book or set of books provided for the purpose and in such form as the commissioner may prescribe. Such book or books, or copies thereof, shall be open to public inspection at reasonable times pursuant to such regulations as the commissioner may prescribe. Every board of assessors shall at the request of any person furnish one or more copies of any record required by this section to be kept, upon the payment in advance of a fee approximating the cost of such copy or copies determined in accordance with rules prescribed by the commissioner.

Applications for abatement under this chapter shall, except in proceedings before the county commissioners, the appellate tax board or a court of the commonwealth, be open only to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and such other officials of the commonwealth or of its political subdivisions as may have occasion to inspect such applications in the performance of their official duties.

Approved April 24, 1941.

Chap.210 AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR EXPENDITURE BY THE GOVERNOR'S COMMITTEE ON PUBLIC SAFETY FOR CLERICAL AND OTHER SERVICES AND EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. A further sum of ten thousand dollars for the purposes set forth in and to be expended in accordance with the provisions of chapter thirty-three of the acts of the current year is hereby appropriated from the general fund or revenue of the commonwealth, in advance of final action on the general appropriation bill, pursuant to a recommendation of the governor to that effect in a message dated March twenty-fourth, nineteen hundred and forty-one.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1941.

AN ACT RELATIVE TO THE REMEDIES OF A CITY OR TOWN COLLECTOR, IN COLLECTING ACCOUNTS DUE TO HIS CITY OR TOWN. Chap. 211

Be it enacted, etc., as follows:

Chapter forty-one of the General Laws is hereby amended by striking out section thirty-eight A, as amended by chapter two hundred and one of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section:— *Section 38A.* A city or town may by ordinance or by-law, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall collect, under the title of city or town collector, all accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts. Such a collector shall in the collection of such accounts have all the remedies provided by sections thirty-five, thirty-six and ninety-three of chapter sixty for the collection of taxes on personal estate. This section shall not apply to the collection of interest on investments of sinking or trust funds. All bills for accounts due the city or town shall state that all checks, drafts or money orders shall be made payable to or to the order of the city or town and not to or to the order of any officer, board or commission.

G. L. (Ter. Ed.), 41, § 38A, etc., amended.

Collection by collector.

Approved April 25, 1941.

AN ACT TO CHANGE THE NAME OF THE FRANKLIN UNION TO THAT OF THE FRANKLIN TECHNICAL INSTITUTE. Chap. 212

Be it enacted, etc., as follows:

SECTION 1. The institution known as the Franklin Union shall hereafter be known as the Franklin Technical Institute.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1941.

AN ACT RELATIVE TO THE RE-EMPLOYMENT OF KATHERINE I. LALLY BY THE CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK. Chap. 213

Be it enacted, etc., as follows:

SECTION 1. Katherine I. Lally, who was employed in the office of the clerk of the superior court for civil business in the county of Suffolk from nineteen hundred and ten until her retirement on March first, nineteen hundred and thirty-eight, may be re-employed by said clerk within the current year, and if she is so re-employed and shall thereupon pay into the annuity savings fund of the Boston retirement system a sum equal to the amount she would have paid had she continued in employment in said office, her former retirement shall be cancelled and, if and when finally retired, she shall

be entitled to the retirement allowance to which she would have been entitled had her service been continuous.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1941.

Chap.214 AN ACT RELATIVE TO THE RE-EMPLOYMENT OF MARY T. KENNEALEY BY THE CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

SECTION 1. Mary T. Kennealey, who was employed in the office of the clerk of the superior court for civil business in the county of Suffolk from nineteen hundred and twelve until her retirement on September first, nineteen hundred and thirty-eight, may be re-employed by said clerk within the current year, and if she is so re-employed and shall thereupon pay into the annuity savings fund of the Boston retirement system a sum equal to the amount she would have paid had she continued in employment in said office, her former retirement shall be cancelled and, if and when finally retired, she shall be entitled to the retirement allowance to which she would have been entitled had her service been continuous.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1941.

Chap.215 AN ACT RELATIVE TO INSTRUMENTS PAYABLE TO THE ORDER OF FICTITIOUS PAYEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 107,
§ 31, amended.

Section thirty-one of chapter one hundred and seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out paragraph 3 and inserting in place thereof the following paragraph:—
3. When it is payable to the order of a fictitious or non-existing person, or of a living person not intended to have any interest in it, and such fact was known to the person making it so payable, or known to his employee or other agent who supplies the name of such payee; or, — so as to read as follows:— *Section 31.* The instrument is payable to bearer:

Instruments
payable to
bearer.

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, or of a living person not intended to have any interest in it, and such fact was known to the person making it so payable, or known to his employee or other agent who supplies the name of such payee; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last endorsement is an endorsement in blank.

Approved April 25, 1941.

AN ACT MAKING CERTAIN CHANGES IN THE LAWS RELATIVE *Chap. 216*
TO INSANE PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section seventy-nine of chapter one hundred and twenty-three of the General Laws, as most recently amended by section seven of chapter five hundred of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "eighty-six", in the thirty-first line, the following new sentence: — The officers mentioned in section ninety-five or any member of the state police may transport the patient, or cause him to be transported, to the institution, — so as to read as follows: — *Section 79.* The superintendent or manager of any institution for the insane may, when requested by a physician, member of the board of health, sheriff, deputy sheriff, member of the state police, selectman, police officer of a town, or by an agent of the institutions department of Boston, receive and care for in such institution as a patient, for a period not exceeding ten days, any person deemed by such superintendent or manager to be in need of immediate care and treatment because of mental derangement other than drunkenness. Such request for admission of a patient shall be put in writing and be filed at the institution at the time of his reception, or within twenty-four hours thereafter, together with a statement in a form prescribed or approved by the department, giving such information as it deems appropriate. Any such patient deemed by the superintendent or manager not suitable for such care shall, upon the request of the superintendent or manager, be removed forthwith from the institution by the person requesting his reception, and, if he is not so removed, such person shall be liable to the commonwealth or to the person maintaining the private institution, as the case may be, for all reasonable expenses incurred under this section on account of the patient, which may be recovered in contract by the state treasurer or by such person, as the case may be. The superintendent or manager shall either cause every such patient to be examined by two physicians, qualified as provided in section fifty-three, and cause application to be made for his admission or commitment to such institution, or cause him to be removed therefrom before the expiration of said period of ten days, unless he signs a request to remain therein under section eighty-six. The officers mentioned in section ninety-five or any member of the state police may transport the patient, or cause him to be transported, to the institution. Reasonable expenses incurred for the examination of the patient and his transportation to the institution shall be allowed, certified and paid as provided by section seventy-four.

G. L. (Ter. Ed.), 123, § 79, etc., amended.

Temporary care of insane persons.

SECTION 2. Section one hundred and five of said chapter one hundred and twenty-three, as most recently amended by chapter fifty-four of the acts of nineteen hundred and

G. L. (Ter. Ed.), 123, § 105, etc., amended.

thirty-nine, is hereby further amended by inserting after the word "ninety", in the eleventh line of the paragraph amended by said chapter fifty-four, the words: — or may discharge such prisoner in accordance with section eighty-nine, — so that the last paragraph will read as follows: —

Discharge of
certain insane
prisoners.

If a prisoner under complaint or indictment is committed in accordance with section one hundred, and such complaint or indictment is dismissed or nol prossed, or if a prisoner is committed in accordance with sections one hundred and three or one hundred and four, and his sentence has expired, the superintendent of the institution to which commitment was made or said medical director and the commissioner, in case of commitment to the Bridgewater state hospital, as the case may be, may permit such prisoner temporarily to leave such institution in accordance with sections eighty-eight and ninety or may discharge such prisoner in accordance with section eighty-nine. The word "prisoner" as used in this section shall include all persons committed under section one hundred, whether or not in custody when so committed; and in construing this section a maximum and minimum sentence shall be held to have expired at the end of the minimum term, and an indeterminate sentence, at the end of the maximum period fixed by law.

G. L. (Ter.
Ed.), 123,
§ 89, amended.

Discharge.
General
provisions.

SECTION 3. Said chapter one hundred and twenty-three is hereby further amended by striking out section eighty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 89.* The superintendent or manager of a private institution described in section three, the superintendent of the McLean hospital, or of any institution other than a state hospital to which commitments may be made under section sixty-two, when authorized thereto by the trustees of such institution, the trustees of any such institution other than a state hospital themselves, the superintendent of a state hospital, the department having supervision of the institution, or, on written application, a judge of probate for the county where the institution is situated, or where the inmate had his residence at the time of his commitment or admission, or a justice of the superior court in any county, after such notice as the said superintendent, manager, trustees, department having supervision, judge or justice, may consider reasonable and proper, may discharge any inmate if it appears upon examination that he will be sufficiently provided for by himself, his guardian, relatives or friends, or that his detention in such institution is no longer necessary for his own welfare or the safety of the public. If the legal or natural guardian or any relative of an inmate opposes such discharge, it shall not be made without written notice having been given to the person opposing such discharge. This section shall not apply to persons committed by a court under any provision of sections one hundred to one hundred and four, inclusive, except as otherwise provided in section one hundred and five.

Approved April 25, 1941.

AN ACT MAKING CERTAIN LAWS AFFECTING VETERANS' ORGANIZATIONS APPLICABLE TO THE SONS OF UNION VETERANS OF THE CIVIL WAR AND THE SOCIETY OF THE WAR OF 1812 IN THE COMMONWEALTH OF MASSACHUSETTS (INCORPORATED). Chap. 217

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter thirty-three of the General Laws, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out, the first time it appears in the forty-sixth line, the word "the" and inserting in place thereof the word: — The, — by inserting after the word "Massachusetts" in the forty-seventh line the word: — (Incorporated), — and by striking out, in the fiftieth, fifty-first and fifty-second lines, the words "of the Sons of Veterans may at any time parade in public their color guards of ten men with firearms" and inserting in place thereof the words: — or other duly organized units of the Sons of Union Veterans of the Civil War may at any time parade in public their color guards, escorts, and firing parties with firearms, but no such camp or other organized unit shall at any time so parade more than sixteen men, — so as to read as follows: — *Section 49.* Except as provided in section fifty, no body of men, except the organized militia, the troops of the United States, and the Ancient and Honorable Artillery Company of Massachusetts, shall maintain an armory, or associate together at any time as a company or organization, for drill or parade with firearms, or so drill or parade; nor shall any city or town raise or appropriate money toward arming, equipping, uniforming, supporting or providing drill rooms or armories for any such body of men; provided, that associations wholly composed of soldiers honorably discharged from the military service of the United States may parade in public with arms, upon the reception of any regiment or company of soldiers returning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the mayor of the city or selectmen of the city or town where they desire to parade; that students in educational institutions where military science is a prescribed part of the course of instruction or members of schools for military instruction conducted with the approval of the commander-in-chief may, with the consent of the commander-in-chief, drill and parade with firearms in public, under the superintendence of their instructors or teachers; that foreign troops whose admission to the United States has been consented to by the United States government may, with the consent of the commander-in-chief, drill and parade with firearms in public; that any body of men may, with the consent of the commander-in-chief, drill and parade in public with any harmless imitation of firearms approved by

G. L. (Ter. Ed.), 33, § 49, etc., amended.

Unauthorized drilling.

the adjutant general; that regularly organized posts of the Grand Army of the Republic, The American Legion, Veterans of Foreign Wars of the United States and Jewish War Veterans of the United States, regularly organized camps of the United Spanish War Veterans, regularly organized detachments of the Marine Corps League, and regularly organized chapters of the Yankee Division Veterans Association and the Massachusetts State Guard Veterans and regularly organized units thereof may drill and parade with firearms in public, under the supervision of their duly authorized officers; that the Kearsarge Association of Naval Veterans, Inc., may at any time parade in public their color guards of not more than twelve men armed with firearms; that the Society of Colonial Wars in the Commonwealth of Massachusetts, the Order of the Founders and Patriots of America, the Massachusetts Society of the Sons of the American Revolution, the Society of the Sons of the Revolution in the Commonwealth of Massachusetts, The Society of the War of 1812 in the Commonwealth of Massachusetts (Incorporated), and regularly organized branches of any of said societies, may at any time parade in public their uniformed color guards of ten men with firearms; that regularly organized camps or other duly organized units of the Sons of Union Veterans of the Civil War may at any time parade in public their color guards, escorts, and firing parties with firearms, but no such camp or other organized unit shall at any time so parade more than sixteen men; that any organization heretofore authorized by law may parade with side-arms; and that any veteran association composed wholly of past members of the militia of the commonwealth may maintain an armory for the use of the organizations of the militia to which its members belonged; provided, that such drill or parade is not in contravention of the laws of the United States.

G. L. (Ter. Ed.), 40, § 5, cl. (12), etc., amended.

SECTION 2. Clause (12) of section five of chapter forty of the General Laws, as most recently amended by chapter one hundred and sixty-three of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the twenty-ninth to the thirty-third lines, the words "and local camps of the Sons of Union Veterans of the Civil War or local tents of The Daughters of Union Veterans of the Civil War in the case of a town in which there is no post of the Grand Army of the Republic" and inserting in place thereof the words: — local camps or other duly organized units of the Sons of Union Veterans of the Civil War or local tents of The Daughters of Union Veterans of the Civil War, and The Society of the War of 1812 in the Commonwealth of Massachusetts (Incorporated), — so as to read as follows: — (12) For erecting headstones or other monuments at the graves of persons who served in the war of the revolution, the war of eighteen hundred and twelve, the Seminole war, the Mexican war, the war of the rebellion or the Indian wars or who served in the military or naval service of the

Appropriations for care of graves of certain veterans.

United States in the Spanish American war or in the World war, or who served in the military service of the commonwealth in time of war; for acquiring land by purchase or by eminent domain under chapter seventy-nine, purchasing, erecting, equipping or dedicating buildings, or constructing or dedicating other suitable memorials, for the purpose of properly commemorating the services and sacrifices of persons who served as aforesaid; for the decoration of the graves, monuments or other memorials of soldiers, sailors and marines who served in the army, navy or marine corps of the United States in time of war or insurrection and the proper observance of Memorial Day and other patriotic holidays under the auspices of the following: — local posts of the Grand Army of the Republic, United Spanish War Veterans, The American Legion, Veterans of Foreign Wars of the United States and Jewish War Veterans of the United States, local chapters of the Disabled American Veterans of the World War, local units of the Massachusetts State Guard Veterans, Kearsarge Association of Naval Veterans, Inc., local garrisons of the Army and Navy Union of the United States of America, local chapters of the Massachusetts Society of the Sons of the American Revolution, local detachments of the Marine Corps League, local clubs of the Yankee Division Veterans Association, local camps or other duly organized units of the Sons of Union Veterans of the Civil War or local tents of The Daughters of Union Veterans of the Civil War, and The Society of the War of 1812 in the Commonwealth of Massachusetts (Incorporated); or for keeping in repair graves, monuments or other memorials erected to the memory of such persons or of the firemen and policemen of the town who died from injuries received in the performance of their duties in the fire or police service or for decorating the graves of such firemen and policemen or for other memorial observances in their honor. Money appropriated in honor of such firemen may be paid over to, and expended for such purposes by, any veteran firemen's association or similar organization.

SECTION 3. Section seventy of chapter two hundred and sixty-six of the General Laws, as most recently amended by section two of chapter one hundred and forty-four of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fourth line, the word "Veterans" and inserting in place thereof the words: — Union Veterans of the Civil War, — so as to read as follows: — *Section 70.* Whoever, not being a member of the Military Order of the Loyal Legion of the United States, the Grand Army of the Republic, the Sons of Union Veterans of the Civil War, the Woman's Relief Corps, the Union Veterans' Union, the Union Veteran Legion, the Military and Naval Order of the Spanish-American War, the United Spanish War Veterans, the American Officers of the Great War, the Veterans of Foreign Wars of the United States, the Military Order of Foreign Wars of the United States, the Disabled

G. L. (Ter. Ed.), 266, § 70, etc., amended.

Unlawful use of insignia.

American Veterans of the World War, the Yankee Division Veterans' Association or the American Legion, wilfully wears or uses the insignia, distinctive ribbons or membership rosette or button thereof for the purpose of representing that he is a member thereof shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than one month, or both.

Approved April 25, 1941.

Chap.218 AN ACT AUTHORIZING AN INCREASE IN THE NUMBER OF TRUSTEES OF THE MEMORIAL HOSPITAL IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

The number of authorized trustees of The Memorial Hospital, in the city of Worcester, incorporated under the name of the Trustees of the Memorial Hospital by chapter eighty-seven of the acts of eighteen hundred and seventy-one and whose name was changed to its present one by section one of chapter twelve of the acts of eighteen hundred and ninety-one, may be increased to such number, not exceeding thirty, as may be prescribed, from time to time, by the by-laws of the corporation. Any additional trustees provided for by said by-laws shall be elected by vote of at least two thirds of the then existing trustees.

Approved April 25, 1941.

Chap.219 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF NORFOLK TO PROVIDE ADEQUATE ACCOMMODATIONS FOR THE MUNICIPAL COURT OF BROOKLINE AT BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing adequate court house accommodations and facilities for the municipal court of Brookline, the county commissioners of the county of Norfolk may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such land in the town of Brookline as may be necessary, and may erect on such land a suitable building for said court and may equip and furnish such building.

SECTION 2. For the purpose aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred and sixty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on the face the words Norfolk County Brookline Municipal Court House Loan, Act of 1941. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than five years from their dates. The bonds or notes shall be

signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. The county treasurer of said county, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 4. This act shall take full effect upon its acceptance, during the current year, by the county commissioners of the county of Norfolk, but not otherwise.

Approved April 29, 1941.

AN ACT TRANSFERRING THE CARE, SUPERINTENDENCE AND
MANAGEMENT OF PUBLIC BURIAL PLACES IN THE CITY OF
NORTH ADAMS TO THE COMMISSIONER OF PUBLIC WORKS
OF SAID CITY. Chap. 220

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter one hundred and forty-eight of the acts of eighteen hundred and ninety-five, as affected by chapter seventy-six of the acts of eighteen hundred and ninety-seven, and as amended by section thirteen of chapter one hundred and three of the Special Acts of nineteen hundred and eighteen, is hereby further amended by striking out, in the seventeenth and eighteenth lines, the words "the poor. He shall also be the city almoner and commissioner of public burial places of said city" and inserting in place thereof the words: — the public welfare. He shall also be the city almoner, — so that the first two sentences of clause 8 will read as follows: — An overseer of the poor who shall exercise and discharge all the duties and powers prescribed by law for overseers of the public welfare. He shall also be the city almoner.

SECTION 2. Section thirty-seven of said chapter one hundred and forty-eight, as amended by section fifteen of said chapter one hundred and three, is hereby further amended by inserting after the word "pipes" in the twentieth line the following new clause: —

(i) Of the care, superintendence and management of public burial places of said city; and for said purposes may appoint a superintendent of public burial places and prescribe his powers and duties.

SECTION 3. Section two of chapter seventy-six of the acts of eighteen hundred and ninety-seven is hereby amended by striking out, in the tenth and eleventh lines, the words "He shall also be the commissioner of public burial places of said city."

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1941.

Chap. 221 AN ACT TO ENABLE SAVINGS BANKS AND CERTAIN OTHER BANKING INSTITUTIONS TO CO-OPERATE IN THE DISTRIBUTION OF UNITED STATES DEFENSE SAVINGS BONDS AND DEFENSE POSTAL SAVINGS STAMPS.

Emergency
preamble.

Whereas, In connection with financing the national defense program, new issues of United States savings bonds and stamps will go on sale on May first in the current year; and

Whereas, It is desired that the banking institutions of the commonwealth extend the most effective and prompt assistance to the federal government in the distribution of said bonds and stamps commencing on said date; and

Whereas, The purpose of this act is to make possible such assistance in connection with such financing, and the deferred operation of this act would tend to defeat such purpose; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Under regulations made by the commissioner of banks and in accordance with requirements and regulations of the secretary of the treasury of the United States or other duly constituted federal authority, savings banks and institutions for savings, co-operative banks, associations referred to in section thirty-four of chapter ninety-three of the General Laws, and corporations authorized to do the business of a banking company under chapter one hundred and seventy-two A of the General Laws, are hereby authorized and empowered to qualify and to be employed to act as fiscal or financial agents of the United States government for and in the sale and issue of bonds known as United States Defense Savings Bonds and other similar bonds, to accept for transmittal to the federal reserve bank applications for the purchase of such bonds, to purchase and sell stamps known as Defense Postal Savings Stamps and other similar savings stamps, to receive and hold for their depositors and customers such bonds and stamps, and in general to do any and all things incidental or necessary in connection with the powers granted to such institutions and corporations by this act and to give effect to the provisions thereof.

SECTION 2. This act shall become inoperative three months after the United States government has ceased to offer such bonds and stamps for purchase.

Approved April 30, 1941.

AN ACT MAKING AN APPROPRIATION FOR EXPENDITURE BY
THE MASSACHUSETTS COMMISSION ON THE EMPLOYMENT
PROBLEMS OF NEGROES FOR SUPERVISORY AND OTHER
SERVICES AND EXPENSES. *Chap. 222*

Be it enacted, etc., as follows:

SECTION 1. The sum of twenty-seven hundred and eighty-six dollars, for expenditure by the Massachusetts Commission on the Employment Problems of Negroes for supervisory and other services and expenses, is hereby appropriated from the general fund or revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, in advance of final action on the general appropriation bill, pursuant to a recommendation of the governor to that effect in a message dated April seventeenth, nineteen hundred and forty-one.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1941.

AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE
THE MEMBERS OF ITS BOARD OF ALDERMEN. *Chap. 223*

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter five hundred and forty-two of the acts of nineteen hundred and ten is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Its members shall receive in full compensation for their services as members of the board of aldermen, or of any committee thereof, such salary as may be established by ordinance, but not exceeding three hundred dollars per annum for each member, — so as to read as follows: — *Section 13.* The board of aldermen shall, so far as is consistent with this act, have and exercise all the legislative power of towns and of the inhabitants thereof, and shall have and exercise all the powers now vested by law in the city of Beverly and in the inhabitants thereof as a municipal corporation, and shall have all the powers and be subject to all the liabilities of city councils and of either branch thereof, and it may by ordinance prescribe the manner in which such powers shall be exercised. Its members shall receive in full compensation for their services as members of the board of aldermen, or of any committee thereof, such salary as may be established by ordinance, but not exceeding three hundred dollars per annum for each member. Sessions of the board whether as a board of aldermen or as a committee of the whole shall be open to the public, and a journal of its proceedings shall be kept, which journal shall be subject to public inspection. The vote of the board upon any question shall be taken by roll call when the same is requested by at least three members. Nothing

herein shall prevent the board, by special vote, from holding private sittings for the consideration of nominations by the mayor.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Beverly at the biennial state election in the year nineteen hundred and forty-two in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: — “Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled ‘An Act authorizing the city of Beverly to compensate the members of its board of aldermen’, be accepted?” If a majority of the votes cast on said question is in the affirmative, this act shall take full effect on January first, nineteen hundred and forty-three, otherwise it shall have no effect.

Approved May 1, 1941.

Chap.224 AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF FALL RIVER UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the city of Fall River shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws, but the person holding said office on said effective date shall continue to serve therein only until the expiration of his term of office unless prior thereto he passes a non-competitive qualifying examination to which he shall be subjected by the division of civil service.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of the city of Fall River, subject to the provisions of its charter, but not otherwise.

Approved May 1, 1941.

Chap.225 AN ACT FURTHER PROVIDING FOR THE FUNDING OF OVERLAY DEFICITS BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the purposes specified in section two of this act, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, three million dollars; provided, that indebtedness incurred under authority of this section shall be subject to the approval of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three; and provided, further, that no bonds or notes authorized by this section shall be issued later than the

thirty-first day of December, nineteen hundred and forty-two. Such bonds or notes shall bear on their face the words, City of Boston Funding Loan, Acts of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates. Indebtedness incurred under this section shall, except as herein provided, be subject to the provisions, applicable to the city of Boston, of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof. Said city may issue temporary notes of the city payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes authorized by this section, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this section. All notes issued in anticipation of the issue of such serial bonds or notes shall be paid from the proceeds thereof.

SECTION 2. The amounts borrowed under authority of section one shall be used for meeting so much of the deficits resulting from the satisfaction of abatements on account of tax assessments in each of the years prior to nineteen hundred and thirty-eight heretofore granted, and for the satisfaction of abatements on account of tax assessments in each of such years hereafter granted, as is in excess of the overlay or overlays of such years.

SECTION 3. The auditor of said city shall set up a separate account of the proceeds of all loans issued under authority of said section one. Charges shall be made against such account only for the purposes authorized in section two and then only with the approval of the mayor.

SECTION 4. The assessors of said city, for the purpose of avoiding fractional divisions of the amount to be assessed in the apportionment thereof and providing for abatements granted on account of taxes assessed, shall add to the amount to be assessed, in each of the years nineteen hundred and forty-one and nineteen hundred and forty-two, an overlay of four per cent thereof, and in each year thereafter, until all loans issued under authority of said section one of this act and of section one of chapter two hundred and thirty-five of the acts of nineteen hundred and thirty-eight, are paid, an overlay of three per cent thereof; provided, that should the amounts authorized to be borrowed under said section one of this act, or of said section one of said chapter two hundred and thirty-five, be inadequate for the purposes specified in section two of this act and in section two of said chapter two hundred and thirty-five, respectively, or should the amount which said assessors are authorized, under this section, to add to the amount to be assessed be inadequate, in any year, for the purposes specified in this section, said assessors shall add to the amount to be assessed in the following year such additional amount as may be required fully to meet all of such purposes.

The provisions of this section, requiring an overlay of four per cent in each of the years nineteen hundred and forty-one and nineteen hundred and forty-two, and an overlay of three per cent in each year thereafter until all loans issued under authority of said section one of said chapter two hundred and thirty-five are paid, are in substitution for and not in addition to the provisions of section four of said chapter two hundred and thirty-five.

SECTION 5. From and after the effective date of this act and until all loans issued under authority of said section one of this act and said section one of said chapter two hundred and thirty-five are paid, the proceeds of all loans made by said city under said chapter forty-nine of the acts of nineteen hundred and thirty-three, as amended, shall be used for no purpose other than to meet notes issued by said city in anticipation of revenue.

SECTION 6. Bonds or notes issued under authority of said section one of this act shall, in favor of bona fide holders, be conclusively presumed to have been duly and regularly authorized and issued in accordance with the provisions contained in this act; and no holder thereof shall be obliged to see to the existence of the purpose of that issue, or to the regularity of any of the proceedings, or to the application of the proceeds.

SECTION 7. Loan orders passed under authority of this act shall be deemed to be emergency orders and as such may be passed in the manner provided in the charter of said city for loan orders for temporary loans in anticipation of taxes.

SECTION 8. This act shall take effect upon its passage.

Approved May 1, 1941.

Chap. 226 AN ACT PROVIDING FOR A COURT OFFICER FOR THE PROBATE COURT OF WORCESTER COUNTY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 217, § 30, etc., amended.

Court officers for certain probate courts.

SECTION 1. Chapter two hundred and seventeen of the General Laws is hereby amended by striking out section thirty, as most recently amended by section one of chapter two hundred and fifty-two of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 30.* The judges of probate for the counties of Suffolk and Middlesex may appoint two officers, and the judge of probate for the county of Plymouth and the judges of probate for the counties of Essex and Worcester may appoint an officer, to attend the sessions of the probate court and court of insolvency of their respective counties. Such officers may be removed at the pleasure of the judge or judges of probate of their respective counties, and the said judge or judges may fill any vacancy caused by removal or otherwise. Each court officer appointed hereunder for Suffolk, Middlesex or Worcester county shall give bond with

sufficient sureties approved by a judge of his court for the faithful performance of his duties, in the sum of one thousand dollars, payable to the treasurer of Suffolk county or to Middlesex or Worcester county, as the case may be. The court officer for Plymouth county and for Essex county shall, if required by the court, give a bond payable to Plymouth county or Essex county, as the case may be, for the faithful performance of his duties, with sureties satisfactory to the court. Each officer appointed hereunder shall serve the orders, precepts and processes issued by the probate court for which he is appointed or by a judge thereof; and, except in Plymouth county, shall at the expense of his county be furnished with a uniform such as the court shall order, which he shall wear while in attendance on said court. The salary of the officer appointed hereunder to serve in the probate court and court of insolvency of Worcester county shall be fixed by the judges of said court in a sum not to exceed eighteen hundred dollars, to be paid by said county.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of Worcester county, but not otherwise.

Acceptance
of act.

Approved May 1, 1941.

AN ACT RELATIVE TO COLLECTION OF TAXES FROM ESTATES OF PERSONS WHO WERE RELIEVED THEREFROM FOR LACK OF ABILITY TO PAY OR OTHERWISE. *Chap. 227*

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter fifty-nine of the General Laws is hereby amended by striking out clause Seventeenth, as most recently amended by section nineteen of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following clause:—

G. L. (Ter.
Ed.), 59, § 5, cl.
Seventeenth,
etc., amended.

Seventeenth, Subject to section five A, real estate, to the value of two thousand dollars, of a widow, of a person over the age of seventy-five, or of any minor whose father is deceased, occupied by such widow, person or minor as her or his domicile; provided, that the whole estate, real and personal, of such widow, person or minor does not exceed in value the sum of two thousand dollars, exclusive of property otherwise exempt under the twelfth, twentieth and twenty-first clauses of this section and exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate; but if, the value of such whole estate being less than two thousand dollars, the combined value thereof and of such mortgage interest exceeds two thousand dollars, the amount so exempted shall be two thousand dollars. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such widow, person or minor to evade taxation. A widow, per-

Exemptions
of certain
persons from
taxes.

son or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in the manner allowed by section sixty-four or sixty-five, as the case may be.

G. L. (Ter. Ed.), 59, § 5, cl. Eighteenth, amended.

SECTION 2. Said section five of said chapter fifty-nine is hereby further amended by striking out clause Eighteenth, as appearing in the Tercentenary Edition, and inserting in place thereof the following clause:—

Polls, etc., of aged, etc., persons.

Eighteenth, Subject to section five A, the polls and any portion of the estates of persons who by reason of age, infirmity and poverty are in the judgment of the assessors unable to contribute fully toward the public charges.

G. L. (Ter. Ed.), 59, new section 5A, added.

Certain back taxes chargeable to estate of deceased person previously exempt.

SECTION 3. Said chapter fifty-nine is hereby further amended by inserting after section five, as amended, the following new section:— *Section 5A.* In the event that a person is relieved of taxation under any provision of clause Seventeenth or of clause Eighteenth of section five, upon his death his estate, to the extent that it exceeds his debts, reasonable funeral and burial expenses and reasonable expenses of administration, shall be chargeable with the amount of taxes from which he is so relieved with interest at the rate of six per cent per annum from the date when such taxes except for such relief would have been due. The assessors shall annually compute the amount of such taxes, record the same and, upon the death of the person relieved, commit the aggregate amount to the collector upon a special warrant, and such collector shall present the claim for payment in the same manner as provided for presentation of claims of creditors of the estate and have like power to bring suit thereon.

Approved May 1, 1941.

Chap. 228 AN ACT AUTHORIZING THE CITY OF REVERE TO FUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet certain loans issued in the year nineteen hundred and forty under clause (9) of section eight of chapter forty-four of the General Laws, the city of Revere may borrow during the current year such sums, not exceeding, in the aggregate, thirty-six thousand dollars, as may be necessary, and may issue bonds or notes therefor, which shall bear on their face the words, City of Revere Funding Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1941.

AN ACT AUTHORIZING THE CITY OF PEABODY TO APPROPRIATE
MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UN-
PAID BILLS AND PAYROLLS. *Chap.229*

Be it enacted, etc., as follows:

SECTION 1. The city of Peabody is hereby authorized to appropriate money for the payment of, and to pay, such of the unpaid bills and payrolls incurred in the year nineteen hundred and thirty-nine and nineteen hundred and forty, as shown by a list filed with the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city by reason of its failure to comply with the provisions of its charter or by reason of the fact that no appropriation was available at the time of incurring such bills or payrolls.

SECTION 2. No bill or payroll shall be paid under authority of this act unless and until certificates have been signed and filed with the auditor of said city, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or employee of said city and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both, and until such bills or payrolls have been approved by the board established by section one of chapter forty-nine of the acts of nineteen hundred and thirty-three.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved May 2, 1941.

AN ACT RELATIVE TO THE EMPLOYMENT OF CLERICAL AS-
SISTANCE IN THE OFFICES OF THE CLERKS OF THE SENATE
AND HOUSE OF REPRESENTATIVES. *Chap.230*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available, after appropriation, to the clerks of the senate and house of representatives necessary clerical assistance as early as possible during the present session of the general court, therefore this act is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Section thirteen of chapter three of the General Laws, as most recently amended by section two of chapter three hundred and sixty of the acts of nineteen hundred and thirty-

G. L. (Ter.
Ed.), 3, § 13,
etc., amended.

Clerical
assistance in
clerks' offices.

seven, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Each clerk may also employ such clerical assistance as may be necessary, and may expend therefor such amounts as are appropriated. *Approved May 2, 1941.*

Chap. 231 AN ACT FURTHER REGULATING INSTRUMENTS ACKNOWLEDGING SATISFACTION OF TAX TITLE ACCOUNTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 60,
§ 62, etc.,
amended.

The second paragraph of section sixty-two of chapter sixty of the General Laws, as most recently amended by section two of chapter three hundred and ninety-two of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out the sentences contained in the eighteenth to the thirty-seventh lines, inclusive, and inserting in place thereof the three following sentences:— When land is redeemed from a tax title held by a city or town, the city treasurer, or acting city treasurer, notwithstanding the provisions of the charter of his city, or the town treasurer, as the case may be, shall, in the name and on behalf of the city or town, execute, acknowledge and deliver an instrument, which need not be under seal, containing a reference to the record of the tax deed or instrument of taking sufficient to identify it and reciting that the city or town acknowledges satisfaction of the tax title account secured thereby. The instrument provided for herein shall specify the year for which, and the name of the person to whom, the tax for which the land was sold or taken was assessed, and shall also specify the land on which such tax was assessed. If a person other than the owner of the fee rightfully redeems, requesting that he be named in the instrument, the instrument shall include his name and, when duly recorded in the registry of deeds of the county or district where the land is situated, shall be notice to all persons of such payment, — so as to read as follows:—

Redemption
of land sold
for taxes.

Any such person may so redeem by paying or tendering to a purchaser, other than the town, his legal representatives or assigns, or to the person to whom an assignment of a tax title has been made by the town, at any time prior to the filing of such petition for foreclosure, in the case of a purchaser the original sum and intervening taxes and costs paid by him and interest on the whole at said rate, or in the case of an assignee of a tax title from a town the amount stated in the instrument of assignment with interest at the rate of six and one half per cent from the date of said assignment. In each case he shall also pay or tender, for examination of title and a deed of release, not more than three dollars in the aggregate, and in addition thereto the actual cost of recording the tax deed or evidence of taking and the instrument of assignment, if any. He may also redeem the land by paying or tendering to the treasurer the sum which he

would be required to pay to the purchaser or to the assignee of a tax title, with one dollar additional. When land is redeemed from a tax title held by a city or town, the city treasurer, or acting city treasurer, notwithstanding the provisions of the charter of his city, or the town treasurer, as the case may be, shall, in the name and on behalf of the city or town, execute, acknowledge and deliver an instrument, which need not be under seal, containing a reference to the record of the tax deed or instrument of taking sufficient to identify it and reciting that the city or town acknowledges satisfaction of the tax title account secured thereby. The instrument provided for herein shall specify the year for which, and the name of the person to whom, the tax for which the land was sold or taken was assessed, and shall also specify the land on which such tax was assessed. If a person other than the owner of the fee rightfully redeems, requesting that he be named in the instrument, the instrument shall include his name and, when duly recorded in the registry of deeds of the county or district where the land is situated, shall be notice to all persons of such payment. If the amount so paid for redemption is paid by a holder of a mortgage on the premises, the amount so paid may be added to the mortgage debt. No person shall knowingly collect or attempt to collect for the redemption of any such land a sum of money greater than that authorized by this section.

Approved May 2, 1941.

AN ACT LIMITING THE POWER OF THE BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING TO REGULATE THE EMPLOYMENT OF EMBALMERS BY FUNERAL DIRECTORS.

Chap. 232

Be it enacted, etc., as follows:

Section eighty-five of chapter one hundred and twelve of the General Laws, as appearing in section three of chapter four hundred and seven of the acts of nineteen hundred and thirty-six, is hereby amended by inserting after the word "directing" in the fourth line the words: — ; provided, that no such rule or regulation shall require that an embalmer be permanently employed by a funeral director, — so as to read as follows: — *Section 85.* The board shall adopt rules and regulations consistent with law governing the care and disposition of dead human bodies and governing embalming and funeral directing; provided, that no such rule or regulation shall require that an embalmer be permanently employed by a funeral director. It shall keep a record of the names of all persons registered by it and of all moneys received and disbursed by it, a duplicate whereof shall always be open to public inspection in the office of the state secretary. It shall make an annual report showing the condition of embalming and of funeral directing in the commonwealth. It shall investigate all

G. L. (Ter. Ed.), 112, § 85, etc., amended.

Rules and regulations.

complaints of violation of any provision of sections eighty-two to eighty-seven, inclusive, and bring such violations to the notice of the proper prosecuting officers. All places where funeral directing is conducted may be inspected by the board and by the local board of health which granted the license therefor.

Approved May 2, 1941.

Chap. 233 AN ACT RELATIVE TO THE TAKING OF LAND FOR THE ALTERATION OF CROSSINGS OF PUBLIC WAYS AND RAILROADS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 159, § 60, etc., amended.

Land takings.

Section sixty of chapter one hundred and fifty-nine of the General Laws, as amended by section two of chapter three hundred and twenty-six of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth and fifth lines, the words "or the" and inserting in place thereof the following:—, the county or the city or, — so as to read as follows:— *Section 60.* If it is decided that the location of the railroad or of the way shall be changed, land or other property may be taken therefor by eminent domain on behalf of the railroad corporation, the commonwealth, the county or the city or town, as the case may be, under chapter seventy-nine, and damages may be recovered therefor under said chapter.

Approved May 2, 1941.

Chap. 234 AN ACT RELATIVE TO LOANS BY SAVINGS BANKS SECURED BY ASSIGNMENTS OF LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 168, § 54, cl. Ninth, etc., amended.

Loans secured by life insurance policies.

Paragraph (6) of subdivision (e) of clause Ninth of section fifty-four of chapter one hundred and sixty-eight of the General Laws, as amended by section five of chapter two hundred and forty-four of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the last line, the word "five" and inserting in place thereof the word:— seven, — so as to read as follows:—

(6) Policies issued by life insurance companies approved by the commissioner and properly assigned to the bank, but not exceeding ninety per cent of the cash surrender value of such policies; but the aggregate of such loans made by any savings bank shall not exceed seven per cent of its deposits.

Approved May 2, 1941.

Chap. 235 AN ACT RELATIVE TO THE ELECTION AND TERMS OF OFFICE OF CERTAIN OFFICIALS OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-two of chapter four hundred and forty-four of the acts of eighteen hundred and ninety-three, as affected by other provisions of law, is hereby

amended by striking out the first sentence and inserting in place thereof the following three sentences:— The city council shall, by concurrent vote, the board of aldermen acting first, elect by viva voce vote, in January of the year in which the terms of the officials hereinafter referred to expire, a city solicitor, a city auditor and a commissioner of public works, each to hold office for a term of three years from the first Monday in said January and until his successor is qualified. When a vacancy occurs in any of said offices it shall be filled forthwith by election in the manner aforesaid, and the person so elected shall hold office for the unexpired term for which his predecessor was elected and until his successor is qualified. When a vacancy occurs in the office of treasurer and collector of taxes it shall be filled forthwith by election in the manner aforesaid, but subject to chapter thirty-one of the General Laws and the rules and regulations made thereunder.

SECTION 2. The term of office of the present commissioner of public works of said city shall terminate on the first Monday of January, nineteen hundred and forty-two. The term of office of the present incumbent of each of the offices of city solicitor and city auditor of said city shall be three years from the beginning of his present term.

Approved May 2, 1941.

AN ACT RELATIVE TO THE NUMBER OF SIGNATURES REQUIRED ON PETITIONS FOR RECOUNTS IN CERTAIN TOWNS. Chap. 236

Be it enacted, etc., as follows:

Section one hundred and thirty-five of chapter fifty-four of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section one of chapter two hundred and fifty of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following paragraph:— If, on or before five o'clock in the afternoon on the third day following an election in a ward of a city or in a town, ten or more voters of such ward or town, except a town having more than twenty-five hundred voters and voting by precincts and except Boston, and in such a town voting by precincts ten or more voters of each precinct and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the preceding January first, and cause to be filed with the city or town clerk a statement, bearing a certificate by the registrars of voters of the number of names of subscribers which are names of registered voters in such ward or town, and sworn to by one of the subscribers, that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or, in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem such records or copies thereof

G. L. (Ter. Ed.), 54, § 135, etc., amended.

Petitions for recounts.

to be in error, or that challenged votes were cast by persons not entitled to vote therein, and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidate or candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelope containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, but not before the last hour for filing requests for recounts as aforesaid, open the envelopes, recount the ballots and determine the questions raised, and shall examine all ballots cast by or for challenged voters and reject any such ballot cast by or for a person found not to have been entitled to vote. They shall endorse on the back of every ballot so rejected the reason for such rejection and said statement shall be signed by a majority of said registrars. Upon a recount of votes for town officers in a town where the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

Approved May 2, 1941.

Chap. 237 AN ACT FURTHER REGULATING VISITING THE STATE PRISON, THE STATE PRISON COLONY, THE MASSACHUSETTS REFORMATORY, THE REFORMATORY FOR WOMEN AND THE STATE FARM.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 127, § 36, amended.

Visitors to state prison.

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section thirty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 36.* No person except the governor and council, members of the general court and officers of justice may visit the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm without permission of the commissioner or of the warden or superintendent of such institution. Every visitor who is required to obtain such permission shall also make and subscribe a statement under the penalties of perjury stating his true name and residence, whether or not he has been convicted of a felony, and, if visiting an inmate of such institution, his relationship by blood or marriage, if any, to such inmate, and, if not so related, the purpose of the visit.

G. L. (Ter. Ed.), 127, § 37, amended.

Register of visitors.

SECTION 2. Said chapter one hundred and twenty-seven is hereby amended by striking out section thirty-seven, as so appearing, and inserting in place thereof the following:— *Section 37.* The warden or superintendent of each institution referred to in section thirty-six shall cause a record to be kept of the names and residences of all visitors, which

record shall always be open to the commissioner, and may refuse admission to a person having a permit if in his opinion such admission would be injurious to the best interests of the institution, but such warden or superintendent shall forthwith report such refusal to the commissioner.

Approved May 2, 1941.

AN ACT AUTHORIZING THE WEST PARISH SOCIETY OF SALISBURY TO CONVEY CERTAIN PROPERTY TO THE SOCIETY FOR THE PRESERVATION OF NEW ENGLAND ANTIQUITIES. Chap.238

Be it enacted, etc., as follows:

SECTION 1. The West Parish Society of Salisbury, now included in the town of Amesbury, is hereby authorized to convey to The Society for the Preservation of New England Antiquities, a corporation duly organized by law, all its right, title and interest in the lands, together with the buildings thereon, situate on Elm street in said Amesbury and in all other property or rights appertaining thereto which said parish has or is entitled to, including all monies and funds belonging to the said society; provided, that a majority of the legal voters of said society present and voting thereon shall vote so to do at an annual meeting or at any meeting duly called for that purpose.

SECTION 2. A deed or deeds of conveyance under authority of this act may be executed and delivered on behalf of said parish by any person or persons thereunto authorized by it.

SECTION 3. Whatever authority is granted by this act is hereby declared to be limited to such authority as the general court may constitutionally grant, without prejudice to any proceeding that may be instituted in any court of competent jurisdiction to effect the purposes of this act.

Approved May 2, 1941.

AN ACT AUTHORIZING THE WORCESTER POLYTECHNIC INSTITUTE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap.239

Be it enacted, etc., as follows:

Section one of chapter seventy-seven of the acts of eighteen hundred and ninety-two, as most recently amended by chapter one hundred and seventy-nine of the acts of nineteen hundred and twenty-six, is hereby further amended by striking out, in the fifth line, the word "ten" and inserting in place thereof the word: — fifteen, — so as to read as follows:— *Section 1.* The Worcester Polytechnic Institute is hereby authorized to receive by gift, devise, bequest or otherwise, and to hold and use for the purposes for which said institute was incorporated, real and personal estate to an amount not exceeding fifteen million dollars.

Approved May 2, 1941.

Chap. 240 AN ACT INCORPORATING NEW ENGLAND DEPOSIT LIBRARY,
REGULATING THE OPERATION OF SAID LIBRARY AND AUTHORIZ-
ING CERTAIN PARTICIPATING INSTITUTIONS, SO CALLED,
TO MAKE USE OF ITS FACILITIES.

Emergency
preamble.

Whereas, Rapidly rising building costs make it desirable in the public interest that the building construction contemplated by this act be undertaken as promptly as possible to the end that various non-profit libraries now in urgent need of additional book storage space may not be delayed in obtaining the same, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Dennis A. Dooley, state librarian; Milton E. Lord, director of the Public Library of the City of Boston, hereafter called the Boston Public Library; Elinor Gregory, librarian of the Boston Athenaeum; Allyn B. Forbes, librarian of the Massachusetts Historical Society; William J. Murphy, president of Boston College; Daniel L. Marsh, president of Boston University; Keyes D. Metcalf, director of the Harvard University Library; William N. Seaver, librarian of Massachusetts Institute of Technology; and their respective successors in such offices, together with such other persons as may be elected as provided in section three to represent other libraries, or as otherwise may be associated with them or succeed them, are hereby constituted and made a corporation by the name of New England Deposit Library for the purposes of providing and maintaining, in such manner and to such extent as the governing board of said corporation shall determine, a place or places of deposit and storage of books, pamphlets, photographs, music scores, phonograph records, moving picture films and other articles or documents containing written or printed matter belonging to or in the possession of libraries operated by the United States, by the commonwealth or any other state, by any city or town, by any subdivision, board or agency of the commonwealth or of any other state or of any city or town, by any non-profit institution, or by any literary, educational, charitable, religious or scientific society, corporation, association or trust, and of providing library facilities and services of any kind or description with respect to such books and other articles.

The objects of the corporation hereby created shall be exclusively charitable, educational, scientific and literary, and said corporation shall have perpetual existence, until and unless dissolved in accordance with law.

No funds of said corporation shall be distributed among its own members, but all such funds shall be devoted solely to the carrying out of the purposes for which said corporation is created. Said corporation shall have no capital stock.

SECTION 2. Said corporation shall have authority to hold for the purposes aforesaid real and personal estate in any amount, which estate or its income shall be devoted to the purposes set forth in this act or to such other charitable, educational, scientific or literary purposes as the corporation may be permitted to engage in by lawful amendment of its charter. All property of said corporation, however received or acquired, and all bequests, devises or gifts to said corporation, shall be deemed to be for or held for valid charitable purposes.

SECTION 3. The incorporators named in section one and their successors in the offices which in said section they are respectively described as occupying shall constitute the members of said corporation, and said members may from time to time in their discretion elect, by a two thirds vote of all the members for the time being, as additional members not more than one person to represent each library which may be admitted by the governing board of said corporation to the use of the facilities and services of said corporation. The members of said corporation as such shall have only such powers as are expressly granted to them by this act.

The term "participating institution" when used in this act shall be deemed to refer to any body politic, city or town, public board or agency, non-profit institution, library, or literary, educational, charitable, religious or scientific society, corporation, association or trust (a) which is expressly mentioned in section one of this act or which maintains a library which has been admitted by the governing board of said corporation to the use of the facilities and services of said corporation, and (b) which continues to utilize such facilities and services. No library, institution, society, corporation, association or trust formed to engage in business for profit shall become a participating institution. Unless otherwise provided by a contract with said corporation, any participating institution may cease to be such and may cease to utilize the facilities and services of said corporation by delivering to said corporation, addressed to its treasurer, six months' written notice of its intention to cease to be a participating institution upon a date stated in said notice; provided, that the state library, the Boston Public Library, the commonwealth or any city, town or subdivision thereof, or any department, board or agency of the commonwealth or of any city, town or subdivision thereof may cease to be a participating institution at any time by delivering to said corporation not less than one hundred and twenty days' written notice of intention to cease to be a participating institution upon a date stated in the notice.

Whenever any participating institution shall cease to utilize the facilities and services of said corporation, any member or members of the corporation representing such institution shall cease to be such members. The determination of two thirds of the members of the governing board shall

be final as to the right of any person to remain a member of said corporation. The governing board may provide by regulation for the disposition of books and other material deposited with it by participating institutions ceasing to utilize the facilities and services of the corporation, which fail to remove such books and material after reasonable notice.

The whole control and government of said corporation, subject only to the powers expressly granted by this act to its members, shall be vested in a governing board consisting of seven directors. Until and including February first, nineteen hundred and forty-six, or until their respective successors as directors are duly elected and qualified, the directors shall be the individuals respectively occupying each of the following positions, viz., state librarian, librarian of the Boston Athenaeum, director of the Boston Public Library, librarian of Boston College, librarian of the library of the College of Liberal Arts of Boston University, director of the Harvard University Library and the librarian of Massachusetts Institute of Technology and their respective successors from time to time in said offices, and such individuals shall continue to be directors or to be entitled to serve as such only while occupying such positions. After February first, nineteen hundred and forty-six, and so long as the state library and the Boston Public Library, respectively, shall continue to be participating institutions, the individuals occupying the offices of state librarian and director of the Boston Public Library, respectively, and their respective successors from time to time in the said offices, while occupying said offices, shall each be directors of said corporation, and the remaining five directors shall be selected in the manner hereinafter provided in this section. If the state library or the Boston Public Library, respectively, shall at any time cease to be participating institutions, the state librarian or the director of the Boston Public Library, respectively, as the case may be, shall cease to be a director, and thereafter, for each of said two institutions ceasing to be a participating institution, an additional director shall be elected at each election in the manner hereinafter provided in this section. From and after February first, nineteen hundred and forty-six, the five directors remaining to be elected, and any additional director or directors to be elected by reason of the fact that the state library and the Boston Public Library, or either of them, shall have ceased to be participating institutions, shall be chosen at five year intervals, as hereinafter provided, by the members of said corporation other than the members representing the state library and the Boston Public Library, which institutions so long as they severally are participating institutions shall be represented by the state librarian and the director of the Boston Public Library, respectively, as aforesaid. In any such election the members entitled to vote shall have voting power in proportion to the use of the facilities and services

of said corporation for which each participating institution which they severally represent shall have been paying, as determined by the governing board as of November first of the year next prior to the year in which such election shall be held; provided, that no member representing any participating institution shall be entitled to exercise more than forty per cent of the total voting power at any such election. The first such election shall be held at a meeting of the members of the said corporation to be held at such time as the governing board shall select, not later than February first, nineteen hundred and forty-six, or at a meeting called thereafter in lieu of such meeting if by inadvertence or otherwise such meeting shall not be called seasonably. Every subsequent election shall take place at a meeting to be called by the governing board in January of every fifth year following the year nineteen hundred and forty-six, or at a meeting in lieu of such meeting if by inadvertence or otherwise such meeting shall not be called seasonably. Such directors so elected shall serve for terms expiring five years from February first in the year of their election and until their respective successors are elected and qualified. Whenever a vacancy shall occur in the elected membership of said governing board, the remaining directors may fill such vacancy for the balance of the unexpired term. Any vacancy which may exist in the governing board from time to time by reason of the fact that there is for the time being no occupant of an office, the holder of which is ex-officio a member of the governing board, may be filled for so long as such condition exists by the remaining directors, and any other vacancy occurring prior to February first, nineteen hundred and forty-six, may be filled by the remaining directors until such date. No person shall be eligible to election as a director or shall continue to be a director who is not a member of said corporation or a trustee, officer or librarian or a member of the faculty or the teaching staff of a participating institution. Any member of the corporation may vote on any matter at any meeting of the members of the corporation either in person or by written proxy given as of a date not more than six months prior to such meeting.

SECTION 4. Said governing board shall elect a president, a treasurer, a clerk and such other officers as they may deem necessary, and may prescribe their duties, and may, but need not, require the treasurer to give bond with satisfactory sureties in such sum as in their discretion they may deem wise and expedient. The directors of said corporation shall not be entitled to any compensation for their services as such directors, but may by vote of the governing board be granted and paid their reasonable traveling and other expenses incurred in the service or work of said corporation, but no bill for such expenses shall be submitted or paid unless it has first been approved by the treasurer of said corporation.

SECTION 5. The governing board may from time to time make, adopt, alter, amend and repeal by-laws and rules and regulations consistent with law for the conduct of the affairs and services of said corporation. Said governing board, with the approval of a majority of the members present at a meeting of the members called for the purpose, may effect any amendment of the charter or purposes of said corporation which a corporation formed for similar purposes under chapter one hundred and eighty of the General Laws could lawfully effect. Said corporation shall have all the powers and privileges, and be subject to all the restrictions, duties and liabilities, set forth in all general laws now or hereafter in force relating to such corporations, except as otherwise provided herein. Said corporation shall not be subject to sections one to six, inclusive, and sections twelve, twenty-six and twenty-six A of chapter one hundred and eighty of the General Laws. In addition to all other powers granted by this act and by the provisions of the General Laws, said corporation shall have the following powers:

(a) To furnish, lease or rent storage space and library facilities to participating institutions;

(b) To purchase, convey or lease real and personal property within or beyond the limits of the commonwealth as may be necessary or expedient for the purposes of its organization;

(c) To carry on such activities consistent with its corporate purposes as may be convenient or desirable, either within or beyond the limits of the commonwealth, including, without limitation of the foregoing, the maintenance of a service of delivery of books and other articles deposited with it to depositors and others by messenger, mail or otherwise;

(d) To make contracts, incur liabilities and borrow money from any person or persons, including without limitation any participating institution other than the commonwealth or a subdivision or agency thereof or any city or town, on the credit of said corporation and for its use, and to mortgage or pledge any of its real or personal property to secure loans, but no mortgage of any real estate of the corporation shall be made except upon the affirmative vote of two thirds of the members of the governing board at a meeting of said board called for the purpose;

(e) To have perpetual succession in its corporate name;

(f) To receive, accept, purchase, or otherwise acquire, hold, administer and dispose of property of any kind and description which at any time and from time to time may or shall be given, devised, bequeathed, conveyed, sold, transferred or assigned to said corporation in connection with or for or in furtherance of the purposes and objects to be served and accomplished by the creation of the corporation, or any of them;

(g) To publish, purchase, sell, circulate and distribute, in such manner as the governing board shall from time to time deem expedient, any and all educational, literary,

scientific or scholarly publications, books, catalogs and periodicals dealing with the books and other material deposited in said library or available in participating and other libraries.

SECTION 6. If and to the extent that such authorization may be necessary or expedient, the President and Fellows of Harvard College are hereby given full authority from time to time in their discretion to convey or to lease to said corporation, either without consideration or upon such terms and conditions as may be agreed upon by said corporation and said President and Fellows, the whole or any part of any land in the Brighton district of Boston lying in general northeasterly of the junction of Cambridge and Win-dom streets and within fifteen hundred feet of said junction which said President and Fellows may now own or may hereafter acquire, or any other land in the commonwealth owned by them, and in the discretion of said President and Fellows, not required for the corporate purposes of said President and Fellows, but nothing in this section shall be construed as requiring any such conveyance or lease.

The said land while owned or leased by said corporation and all property, real or personal, and income of said corporation and all books, pamphlets, documents, or other articles deposited with said corporation and owned by said corporation or by any participating institution shall be exempt from taxation by the commonwealth or any agency or subdivision thereof or by any city or town. Said corporation shall not be subject to any tax upon or with respect to its income or corporate franchise.

SECTION 7. Full power and authority are hereby given to the trustees of the state library, the trustees of the Boston Public Library, and to any city or town or any other subdivision, board, department or agency of the commonwealth or of any of its cities, towns or subdivisions, or to any board having custody of any publicly owned library and to any charitable, educational, scientific, religious, or literary corporation, institution, association or trust, and to any participating institution, and to the directors, trustees, librarians and other officers of any of the foregoing

(1) To deposit with said corporation any books, pamphlets, documents, or other articles which the governing board of said corporation is willing to receive;

(2) To participate as provided in this act, but subject to and in accordance with the duly adopted by-laws or rules and regulations of said corporation, in the management of said corporation and to hold office in said corporation;

(3) To make contracts with said corporation for the storage of books, pamphlets and other articles and for library facilities and service connected therewith for such term or period as they or any of them and said corporation may deem proper and to pay therefor a reasonable charge, which in the case of the commonwealth or any subdivision thereof, of any city or town or of any board, department or agency

of the commonwealth or any subdivision thereof, shall not exceed a reasonable charge based upon an equitable allocation, as determined by the governing board in accordance with any applicable by-laws or rules or regulations which it may adopt, (a) of the operating and maintenance expenses of said corporation, including reasonable repair, depreciation and contingency reserves, and (b) of the expenses of debt service, insurance of the structures and equipment owned by said corporation and amortization of loans incurred for buildings, library equipment and other facilities provided by said corporation;

(4) Except in the case of the commonwealth or any subdivision thereof, or of any city or town, or of any board, department or agency of the commonwealth or any subdivision thereof, or any city or town, to make grants or gifts to said corporation in aid of the construction or provision of storage or library facilities, buildings and equipment, the amount and nature of which contributions may be taken into account in such manner as the governing board may determine in fixing the amount of any charges for storage and library facilities and service to the participating institution making such grant or gift; provided, that the foregoing provision shall not be deemed to authorize any expenditures of funds held upon specific trust which by the terms of such trust may not properly be expended for such purpose.

Nothing in this act shall be construed to require said corporation to permit any library, city, town, body politic, or public agency, or any corporation, institution, association or trust to utilize the facilities of said corporation, unless the governing board shall approve such use and then only subject to the by-laws and rules and regulations of said corporation and to such terms and conditions as the governing board may determine. The trustees of the state library and the state librarian shall have full authority to deposit books and other articles with said corporation notwithstanding the provisions of sections thirty-three to thirty-nine, inclusive, of chapter six of the General Laws. Any contract made with said corporation by or in behalf of the state library or with respect to books or other property in the custody of the state librarian or of any other agency, department or board of the commonwealth shall be subject to approval by the board of trustees of the state library. Any contract made with said corporation with respect to books or other property of the Boston Public Library shall be subject to approval by the board of trustees of said library. Any contract made with said corporation by any city or town or other subdivision of the commonwealth or by any board or agency of any such city, town or subdivision, shall be subject to approval by the board or officers having power to make contracts with respect to the same. Any contract made by or in behalf of the commonwealth or any city, town or subdivision thereof or of any depart-

ment, board or agency of the commonwealth or of any city, town or subdivision thereof shall contain a provision that the payment of storage charges, or rents, or of any fee for library facilities and services, shall be made only from valid appropriations made or thereafter to be made from which the payment of such charges, rents and fees can properly be made. Any books, pamphlets, documents, records or other articles deposited with said corporation or in a building owned or used by said corporation shall remain the property of and shall be held on deposit wholly at the risk of the participating institution making such deposit or other owner, unless the depositor or owner shall transfer title to such books, pamphlets, documents or other articles to said corporation. Nothing in this act shall be construed to prevent the state library, the Boston Public Library, the commonwealth or any city, town or subdivision thereof or any department, board or agency of the commonwealth or of any city, town or subdivision thereof from ceasing to be a participating institution at any time in the manner provided in section three.

SECTION 8. The provisions of the various sections of this act are hereby declared to be separable and if any such provision, or the application of such provision to any person or circumstance, shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said sections would have been enacted had such invalid or unconstitutional provision not been included therein. Without limitation of the foregoing, it shall not affect the validity of any of the other provisions of this act, or the validity of any provision of this act with respect to any other person, if it shall be held that any participating institution or any officer of any participating institution or any public body or officer, notwithstanding the provisions of this act, is without authority to do any act or thing or to make any expenditure or grant or to carry out any duty or power or exercise any authority, which this act or any provision of this act purports to authorize or require.

Approved May 5, 1941.

AN ACT FURTHER REGULATING THE PAYMENT OF THE CHARGES AND EXPENSES OF BURIAL OF CERTAIN INSANE AND SPENDTHRIFT WARDS.

Chap. 241

Be it enacted, etc., as follows:

Chapter two hundred and one of the General Laws is hereby amended by striking out section forty-eight A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 48A.* Upon application therefor by a conservator or by a guardian of an

G. L. (Ter. Ed.), 201, § 48A, amended.

Provision for burial expenses of wards.

insane person or a spendthrift, whose ward is a resident of the commonwealth, the probate court, after such notice as it deems necessary, and a hearing, may authorize such conservator or guardian to deposit, for the purpose hereinafter stated, in a savings bank, or in the savings department of a trust company, within the commonwealth, a sum not exceeding one hundred and fifty dollars, to be expended solely for, or towards the expense of, the burial of his ward. Such deposit shall be made in the name of the judge of probate for the time being, and shall be subject to the order of the judge and of his successors in office. The person making such deposit shall file in the probate court a memorandum thereof and the deposit book, and the amount so deposited shall, for the purpose of the accounting by such guardian or conservator, be allowed as a payment. Upon the death of such ward, the probate court may, upon application and after like notice and hearing, order the payment of such deposit, together with any accrued interest thereon, hereinafter referred to as such deposit, to the executor of the will of such ward or to the administrator of his estate, to be expended by him only for the purpose hereinbefore stated, and, in case no executor or administrator is appointed, said court may order payment from such deposit, to any undertaker or other person, of any charge for such burial or sum expended therefor which it finds to be proper, but not exceeding the amount of such deposit, or may apportion such deposit between several claimants for such charges or expenses; provided, that any balance remaining after the payment of such charges or expenses shall become general assets of the estate.

Approved May 5, 1941.

Chap. 242 AN ACT TO EXTEND THE REMEDY OF SUMMARY PROCESS FOR POSSESSION OF LAND SO AS TO PERMIT THE RECOVERY OF POSSESSION OF LAND AFTER A TAX TITLE FORECLOSURE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 239,
§ 1, amended.

SECTION 1. Section one of chapter two hundred and thirty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "otherwise" in the seventh line the following: —, or if a tax title has been foreclosed by decree of the land court, — so as to read as follows: — *Section 1.* If a forcible entry into land or tenements has been made, if a peaceable entry has been made and the possession is unlawfully held by force, if the lessee of land or tenements or a person holding under him holds possession without right after the determination of a lease by its own limitation or by notice to quit or otherwise, or if a mortgage of land has been foreclosed by a sale under a power therein contained or otherwise, or if a tax title has been foreclosed by decree of the land court, the person entitled to the land or tenements may recover possession thereof under this chapter. A person in

Persons
entitled to
summary
process.

whose favor the land court has entered a decree for confirmation and registration of his title to land may in like manner recover possession thereof, except where the person in possession or any person under whom he claims has erected buildings or improvements on the land, and the land has been actually held and possessed by him or those under whom he claims for six years next before the date of said decree or was held at the date of said decree under a title which he had reason to believe good.

SECTION 2. Said chapter two hundred and thirty-nine is hereby further amended by inserting after section six, as so appearing, the following new section: — *Section 6A.* If the action is for the possession of land after foreclosure of a tax title thereon, the condition of the bond shall be for the entry of the action and payment to the plaintiff, if final judgment is in his favor, of all costs and of a reasonable amount as rent of the land from the day when the tax title was foreclosed until possession of the land is obtained by the plaintiff, and of all damage and loss which he may sustain by the withholding of possession of the land or tenements demanded and by any injury done thereto during such withholding.

Approved May 5, 1941.

G. L. (Ter. Ed.), 239, new section 6A, added.
Same subject.
After tax title foreclosure.

AN ACT RELATING TO THE INSURANCE THAT MAY BE WRITTEN BY A COMPANY EMPOWERED TO WRITE ACCIDENT OR HEALTH INSURANCE.

Chap. 243

Be it enacted, etc., as follows:

Clause Sixth of section forty-seven of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph: —

A policy issued to an individual under subdivision (a) or subdivision (d) may also insure such individual in respect to medical, surgical and hospital expenses of members of his or her family.

Approved May 5, 1941.

G. L. (Ter. Ed.), 175, § 47, cl. Sixth, amended.

Health, etc., insurance.

AN ACT AUTHORIZING DEAN ACADEMY TO USE THE NAME OF DEAN ACADEMY AND JUNIOR COLLEGE.

Chap. 244

Be it enacted, etc., as follows:

Dean Academy, a corporation incorporated by chapter one hundred and seven of the acts of eighteen hundred and sixty-five, may use the name of Dean Academy and Junior College, and said corporation may use the designation of "junior college" as aforesaid notwithstanding the provisions of section six A of chapter three of the General Laws, inserted by section two of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-nine, and of section eighty-nine of chapter two hundred and sixty-six of the General Laws.

Approved May 5, 1941.

Chap.245 AN ACT RELATIVE TO THE USE BY HOUSE IN THE PINES ASSOCIATION OF THE NAME HOUSE IN THE PINES JUNIOR COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. House in the Pines Association, a corporation incorporated under general law and maintaining two divisions for the education of girls, namely, a college preparatory division known as Cornish School for Girls, and a division of the grade of the first two years of a college course, known as House in the Pines, may use the name of House in the Pines Junior College, as applying to the last mentioned division, and said corporation may use the designation of "junior college" as aforesaid notwithstanding the provisions of section six A of chapter three of the General Laws, inserted by section two of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-nine, and of section eighty-nine of chapter two hundred and sixty-six of the General Laws.

SECTION 2. The use of the name of House in the Pines Junior College by said corporation prior to the effective date of this act is hereby validated. *Approved May 5, 1941.*

Chap.246 AN ACT AUTHORIZING EMERSON COLLEGE TO GRANT THE DEGREE OF MASTER OF ARTS.

Be it enacted, etc., as follows:

Emerson College, in addition to any degree it is otherwise authorized to grant, may grant the degree of Master of Arts to students properly accredited and recommended by a majority of its faculty; provided, that said degree shall not be granted to any person unless such person shall have received a baccalaureate degree and, after having received such degree, shall have completed at least one year's course of instruction in said college. *Approved May 5, 1941.*

Chap.247 AN ACT PROHIBITING PERSONS FINANCIALLY INTERESTED IN THEATRICAL EXHIBITIONS FROM ENGAGING IN THE SALE AND RESALE OF TICKETS TO PLACES OF PUBLIC AMUSEMENT IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section one hundred and eighty-five A of chapter one hundred and forty of the General Laws, as amended by chapter two hundred and seventy-nine of the acts of nineteen hundred and thirty-six, is hereby further amended by adding at the end the following new paragraph:—

No person shall engage in or have any interest, as a stockholder or otherwise, in any such business in the conduct of which is or are resold any ticket or tickets of admission or other evidence or evidences of right of entry to any the-

G. L. (Ter. Ed.), 140, § 185A, etc., amended.

Resale of theatre tickets.

atrical exhibition, public show or public amusement or exhibition of which said person is the owner or in which he has any interest, as a stockholder or otherwise.

Approved May 6, 1941.

AN ACT TO AUTHORIZE THE TOWN OF GRANBY TO BORROW
MONEY FOR THE PURPOSE OF BUILDING, EQUIPPING AND
FURNISHING A SCHOOL BUILDING. Chap. 248

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing and originally equipping and furnishing a school building, the town of Granby may borrow from time to time within a period of three years from the passage of this act such sums as may be necessary, not exceeding, in the aggregate, forty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Granby School Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1941.

AN ACT REDUCING THE RATE OF INTEREST ON CERTAIN
SEWER ASSESSMENTS IN THE TOWN OF MANSFIELD. Chap. 249

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter three hundred and forty-eight of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the thirteenth line, the word "six" and inserting in place thereof the word:—four,—so as to read as follows:—*Section 5.* The town shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay; provided, that it shall pay not less than one fourth nor more than two thirds of the whole cost. In providing for the payment of the remaining portion of the cost of said system or systems or for the use of said system or systems, the town may avail itself of any or all of the methods permitted by general law, and the provisions of general law relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made under this act, except that interest shall be at the rate of four per cent per annum. At the same meeting at which the town determines the proportion of the cost which is to be borne by it, it may by vote determine by which of such methods the remaining portion

of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to the selectmen, who shall preserve a record thereof.

SECTION 2. Said town shall refund to any person who has heretofore paid interest at the rate of six per cent under said chapter three hundred and forty-eight one third of the amount of interest so paid by him, without any interest from the time of such payment, upon application in writing filed within six months after the passage of this act.

SECTION 3. This act shall take effect upon its passage.

Approved May 8, 1941.

Chap.250 AN ACT AUTHORIZING CLUB OF THE FRENCH SHARP SHOOTERS OF NEW BEDFORD, MASS. TO MAINTAIN TWO LODGES HAVING A REPRESENTATIVE FORM OF GOVERNMENT.

Be it enacted, etc., as follows:

Club of the French Sharp Shooters of New Bedford, Mass., incorporated under general law on September twenty-sixth, eighteen hundred and ninety-two, and presently transacting business as a limited fraternal benefit society under section forty-six of chapter one hundred and seventy-six of the General Laws, is hereby authorized to maintain two lodges having a representative form of government, as such term is defined in section three of said chapter.

Approved May 8, 1941.

Chap.251 AN ACT AUTHORIZING THE TRUSTEES FOR EASTERN NAZARENE COLLEGE TO GRANT CERTAIN DEGREES.

Be it enacted, etc., as follows:

The Trustees for Eastern Nazarene College, a corporation incorporated by chapter five hundred and six of the acts of nineteen hundred and twenty, is hereby authorized to confer degrees of bachelor of science, bachelor of theology and bachelor of arts in theology.

Approved May 8, 1941.

Chap.252 AN ACT ENLARGING THE POWER OF THE TOWN OF SCITUATE TO RAISE BY TAXATION MONEY FOR THE MAINTENANCE AND IMPROVEMENT OF THE SCITUATE WATER COMPANY, NOW OWNED AND OPERATED BY SAID TOWN.

Be it enacted, etc., as follows:

Section ten of chapter three hundred and ninety-one of the acts of eighteen hundred and ninety-three is hereby amended by striking out, in the fourteenth and fifteenth lines, the words “, not exceeding three thousand dollars in any one year”, — so as to read as follows: — *Section 10.* After the purchase of said franchise and corporate property, as herein provided, the said town shall raise annually by

taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said town, together with such payments on the principal as may be required under the provisions of this act. Said town is further authorized by assent of two thirds of the voters of said town present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith.

Approved May 8, 1941.

AN ACT AUTHORIZING THE TRUSTEES OF LEICESTER ACADEMY
TO USE THE NAME OF LEICESTER JUNIOR COLLEGE. *Chap. 253*

Be it enacted, etc., as follows:

The Trustees of Leicester Academy, incorporated by an act entitled "An Act to Incorporate an Academy in the town of Leicester, by the Name of Leicester Academy", and approved March twenty-third, seventeen hundred and eighty-four, may use the name of Leicester Junior College in connection with the two year course in the school of business administration conducted by said trustees at said academy, and said corporation may use the designation of "junior college" as aforesaid notwithstanding the provisions of section six A of chapter three of the General Laws, inserted by section two of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-nine, and of section eighty-nine of chapter two hundred and sixty-six of the General Laws.

Approved May 8, 1941.

AN ACT AUTHORIZING CAMBRIDGE SCHOOL OF LIBERAL ARTS,
INC. TO USE THE NAME OF CAMBRIDGE JUNIOR COLLEGE. *Chap. 254*

Be it enacted, etc., as follows:

Cambridge School of Liberal Arts, Inc., a corporation incorporated under general law in the year nineteen hundred and thirty-six, may use the name of Cambridge Junior College, and said corporation may use the designation of "junior college" as aforesaid notwithstanding the provisions of section six A of chapter three of the General Laws, inserted by section two of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-nine, and of section eighty-nine of chapter two hundred and sixty-six of the General Laws.

Approved May 8, 1941.

Chap. 255 AN ACT AUTHORIZING THE TOWN OF AYER TO CONSTRUCT AND OPERATE A SYSTEM OR SYSTEMS OF SEWERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Ayer, in this act referred to as said town, may lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal, and may construct such sewers or drains over or under land in said town as may be necessary to conduct the sewage to filter beds and treatment works, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best.

And for the purposes aforesaid, said town may, within its limits, make and maintain sub-drains, and, with the approval of the department of public health, discharge the water from such sub-drains into any brook, stream or water course within said town.

SECTION 2. Said town may make and maintain in any way therein where main drains or common sewers are constructed, such connecting drains, under-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. Said town may, at any annual town meeting, after its acceptance of this act as hereinafter provided, vote to elect a board of sewer commissioners, and if it so votes at such meeting it shall elect by ballot at the next succeeding annual town meeting a board of three sewer commissioners who shall be citizens of said town, to hold office, one until the expiration of one year, one until the expiration of two years, and one until the expiration of three years, from such meeting at which they are elected, and until their successors are qualified; and thereafter at each annual town meeting said town shall elect one member of the board to serve for three years and until his successor is qualified.

Said town may, at any time thereafter, by any and all the methods permitted by general law, provide that the selectmen may act as a board of sewer commissioners or that a board of sewer commissioners be elected.

SECTION 4. Upon the acceptance of this act by said town, and until the election and qualifying of a board of sewer commissioners as hereinbefore provided, the selectmen shall act as and constitute the board of sewer commissioners. Whenever the phrase "said board of sewer commissioners" or "said board" hereinafter occurs it shall mean and include the board of sewer commissioners or the selectmen acting as such, as the case may be.

SECTION 5. Said board of sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights,

rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers, sub-drains and under-drains under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public land or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 6. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said town under said chapter seventy-nine.

SECTION 7. Said town shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal said town shall pay. If said town votes to pay a proportion less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems said town may avail itself of any or all of the methods permitted by general laws, and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this act. At the same town meeting at which said town determines the proportion of the cost which is to be borne by it, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to said board, who shall preserve a record thereof.

SECTION 8. For the purpose of paying the necessary expenses and liabilities incurred under this act said town may borrow such sums as may be necessary, not exceeding, in the aggregate, seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face, the words, *Ayer Sewerage Loan, Act of nineteen hundred and forty-one*. Each authorized issue shall constitute a separate loan. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 9. Said town may connect its sewers or force mains with the sewerage system of Fort Devens if an agreement therefor shall have been made by the federal government and said town. Any such agreement shall state the

terms and conditions upon which such a connection is to be made and shall be recorded in the office of the town clerk. Such an agreement may provide for the payment by said town of a stated sum at the time when the connection is made, or for a yearly payment beginning in the year in which the connection is made, or both. Such payments may be based upon the relative quantities of sewage contributed for treatment by said federal government and by said town.

SECTION 10. The receipts from sewer assessments and from payments made in lieu thereof shall be appropriated for the payment of charges and expenses incident to the maintenance and operation of said system or systems of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes, or to the payment of such bonds or notes.

SECTION 11. Said board of sewer commissioners may annually appoint a clerk and may appoint a superintendent of sewers who shall not be a member of the board. It may remove the clerk or superintendent at its pleasure and shall define their duties. Said board may, at its discretion, prescribe for the users of said sewer system or systems such annual rentals or charges based upon the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of said town.

SECTION 12. All contracts made by said board of sewer commissioners shall be made in the name of said town and shall be signed by said board, but no contracts shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by said town therefor.

SECTION 13. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Ayer, if any there be, and, if not, then in some newspaper published in the county of Middlesex, and shall not take effect until such publications shall have been made.

SECTION 14. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans of said system or systems of sewerage and sewage disposal have been approved by the department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing in detail all the work to be done in constructing such system or systems of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 15. This act shall take full effect upon its acceptance by vote of the majority of the voters of the town of Ayer voting thereon at any town meeting called for the purpose within five years after its passage.

Approved May 8, 1941.

AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN SURPLUS REPORTS IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

Chap. 256

Be it enacted, etc., as follows:

The state secretary is hereby authorized to provide for the free distribution of the following documents or reports, notwithstanding the provisions of the resolves pertaining thereto: — Laws relative to the construction, alteration and maintenance of buildings and other structures in the city of Boston, published under the provisions of chapter thirty-nine of the resolves of nineteen hundred and thirty-eight; report of the special commission on taxation and public expenditures, published under the provisions of chapter seventy-three of the resolves of nineteen hundred and thirty-eight; and the report of the special commission to investigate the activities within this commonwealth of communistic, fascist, nazi and other subversive organizations, so called, published under the provisions of chapter eighty-seven of the resolves of nineteen hundred and thirty-eight.

Approved May 8, 1941.

AN ACT RELATIVE TO REMOVAL AND OTHER CHANGE IN STATUS OF CERTAIN OFFICERS AND EMPLOYEES OF STATE PENAL INSTITUTIONS.

Chap. 257

Be it enacted, etc., as follows:

Section forty-six of chapter thirty-one of the General Laws, as most recently amended by section one of chapter two hundred and forty-nine of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the second and third lines, the words "shall hold such office or employment and" and inserting in place thereof the words: — , holding office or employment in the classified civil service of the commonwealth, — and by striking out, in the twenty-eighth and twenty-ninth lines, the words "the preceding section" and inserting in place thereof the words: — section forty-five, — so as to read as follows: — *Section 46.* An officer or employee of any institution under the control of the department of correction, holding office or employment in the classified civil service of the commonwealth, shall not be removed therefrom, lowered in rank or compensation or suspended or without his consent transferred from such office or employment to any other, or the office or position abolished, except for just cause, and for reasons specifically given him in writing within twenty-four hours

G. L. (Ter. Ed.), 31, § 46, etc., amended.

Removal, etc., of officers in state penal institutions.

after such removal, suspension, transfer or lowering in rank or compensation or abolition of office or position.

If within three days thereafter, the person removed, suspended, lowered in rank or compensation or transferred or whose office or position has been abolished shall so request in writing, he shall be given a hearing before the commissioner of correction, and be allowed to answer any charges preferred against him, either personally or by counsel. Said commissioner, after hearing the officer preferring the charges, and the officer or employee in question, together with such witnesses as either of the parties may produce, shall determine whether or not the reasons for such removal, suspension, lowering in rank or compensation, or transfer, or abolition of office or position, are just and sufficient and shall certify his finding to the head of the institution in which such officer or employee was employed, who shall, forthwith notify the said officer or employee in writing of the finding of the commissioner. If the reasons given have been sustained by the finding of the commissioner, the action shall be subject to the right of judicial review provided by section forty-five. If said commissioner finds that such reasons are not just and sufficient, the head of the institution in which the officer or employee was employed shall forthwith reinstate him in service or, if he has been suspended, shall forthwith restore him to duty or to his original rank, or compensation or re-establish the office or position, as the case may be. A copy of said reasons, notice, answer and finding shall, in each case be filed in the office of the division and made a matter of public record.

Approved May 8, 1941.

Chap. 258 AN ACT RELATIVE TO PAYMENT OF INTEREST ON LOCAL TAXES, MAKING CERTAIN CORRECTIVE CHANGES WITH RESPECT TO COLLECTION OF SUCH TAXES, AND MAKING CERTAIN PROVISIONS AS TO FORMS IN CONNECTION WITH LOCAL TAXES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 59,
§ 57, etc.,
amended

Date for
payment
of taxes.

SECTION 1. Chapter fifty-nine of the General Laws is hereby amended by striking out section fifty-seven, as most recently amended by section one of chapter three hundred and thirty of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: — *Section 57.* Taxes other than poll taxes shall be due and payable in every city, town and district in which the same are assessed, in two equal instalments, on July first and on October first of each year, and bills for the same shall be sent out not later than June fourteenth of each year. Interest shall be paid at the rate of four per cent per annum on all such taxes remaining unpaid after November first of the year in which they are payable, computed from October first of such year. Upon poll taxes unpaid when due, whether committed under section fifty-three of this chapter or under section four of

chapter sixty, interest shall be paid at the rate of four per cent per annum, computed from the date when such taxes became due and payable. Bills for taxes assessed under section seventy-five shall be sent out not later than December twenty-sixth, and such taxes shall be payable not later than December thirty-first. If they remain unpaid after that date, interest shall be paid at the rate above specified, computed from December thirty-first until the day of payment, but if, in any case, the tax bill is sent out later than December twenty-sixth, said taxes shall be payable not later than ten days from the day upon which said bill is sent out, and interest shall be computed from the fifteenth day following the date when the tax becomes due. In all cases where interest is payable it shall be added to and become a part of the tax.

SECTION 2. Section three of chapter sixty of the General Laws, as amended by section fifty of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Notices of poll taxes shall be sent not later than June fourteenth of the year in which the tax is assessed, — and by striking out, in the eleventh line, the words “the notice” and inserting in place thereof the words: — a notice under this section, — so as to read as follows: — *Section 3.* The collector shall forthwith, after receiving a tax list and warrant, send notice to each person assessed, resident or non-resident, of the amount of his tax; if mailed, it shall be postpaid and directed to the town where the assessed person resided on January first of the year in which the tax was assessed, and, if he resides in a city, it shall, if possible, be directed to the street and number of his residence. Notices of poll taxes shall be sent not later than June fourteenth of the year in which the tax is assessed. An omission to send a notice under this section shall not affect the validity either of a tax or of the proceedings for its collection. All tax bills or notices issued pursuant to this section shall be dated January first of the year to which the tax relates. The tax notice and bill shall state that all checks, drafts or money orders shall be made payable to or to the order of the city, town or district and not to or to the order of any officer, board or commission.

SECTION 3. Section five of said chapter sixty, as amended by section two of chapter one hundred and sixty-eight of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the third line, the words “the preceding section” and inserting in place thereof the words: — section four, — and by inserting after the word “apply” in the fifteenth line the following: —, so far as pertinent, — so as to read as follows: — *Section 5.* A collector of taxes receiving from the assessors a list and warrant under section four shall forthwith proceed to collect the poll taxes from the persons entered on such list. Poll taxes shall be due and

G. L. (Ter. Ed.), 60, § 3, etc., amended.

Tax bills, notices, duties, etc.

G. L. (Ter. Ed.), 60, § 5, etc., amended.

Collector to collect taxes.

payable at the expiration of thirty days from the date upon which the notice under section three was issued by the collector. At the expiration of said thirty days the collector may issue a demand for payment or may include a statement of the amount due in a demand issued under section sixteen. All laws relating to the collection of taxes, to the duties and powers of collectors, to money collected as taxes, interest, charges and fees, to the accounting for and turning over of money so collected, and to the crediting thereof to the collector, shall apply, so far as pertinent, to the collection of poll taxes from the persons whose names appear on such lists.

G. L. (Ter. Ed.), 60, § 105, etc., amended.

Forms to be prescribed by commissioner.

SECTION 4. Said chapter sixty is hereby further amended by striking out section one hundred and five, as most recently amended by section three of said chapter one hundred and sixty-eight, and inserting in place thereof the following new section:— *Section 105.* Forms to be used in proceedings for the collection of taxes under this chapter and chapter fifty-nine and of all assessments which the collector is authorized or required by law to collect shall be as prescribed or approved by the commissioner.

G. L. (Ter. Ed.), 59, § 78, amended.

Collection of reassessed taxes.

SECTION 5. Section seventy-eight of said chapter fifty-nine, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the words "the preceding section" and inserting in place thereof the words:— section seventy-seven, — and by adding at the end the following new sentence:— Taxes so reassessed shall bear interest as provided in section fifty-seven from October first of the year in which they are originally assessable, — so as to read as follows:— *Section 78.* Taxes reassessed under section seventy-seven shall be committed to, and collected and paid over by, the collector for the time being, in the same manner as other taxes, except that the name of the person to whom they were originally assessed shall be stated in the tax list; and the bond of such collector shall apply to such reassessed taxes. Taxes so reassessed shall bear interest as provided in section fifty-seven from October first of the year in which they are originally assessable.

Approved May 8, 1941.

Chap. 259 AN ACT RELATIVE TO PAYMENTS BY THE NORWOOD POLICE RELIEF ASSOCIATION, INC. TO ANY MEMBER THEREOF UPON THE DEATH OF HIS WIFE.

Be it enacted, etc., as follows:

The Norwood Police Relief Association, Inc. is hereby authorized to pay or cause to be paid from its general fund to any member in good standing, upon the death of such member's wife, such sum of money, not exceeding two hundred dollars, as may from time to time be fixed by a vote of said corporation.

Approved May 8, 1941.

AN ACT FURTHER EXTENDING THE TERM DURING WHICH BANKING INSTITUTIONS AND INSURANCE COMPANIES MAY MAKE LOANS INSURED BY THE FEDERAL HOUSING ADMINISTRATOR. *Chap. 260*

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The first paragraph of section one of chapter one hundred and sixty-two of the acts of nineteen hundred and thirty-five, as most recently amended by chapter two hundred and forty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the ninth and tenth lines, the word "forty-one" and inserting in place thereof the word:—forty-three,— so as to read as follows:— Subject to such regulations as the commissioner of banks deems to be necessary or advisable in respect to trust companies, savings banks, co-operative banks or credit unions, and to such regulations as the commissioner of insurance deems to be necessary or advisable in respect to insurance companies, any trust company, savings bank, co-operative bank, credit union or insurance company doing business in this commonwealth is authorized for a period ending July first, nineteen hundred and forty-three:

Approved May 9, 1941.

AN ACT REQUIRING THE SUPERIOR COURT TO RENDER OPINIONS WHEN ENFORCING, MODIFYING OR SETTING ASIDE ORDERS OF THE LABOR RELATIONS COMMISSION. *Chap. 261*

Be it enacted, etc., as follows:

Section six of chapter one hundred and fifty A of the General Laws, inserted therein by section two of chapter three hundred and forty-five of the acts of nineteen hundred and thirty-eight, is hereby amended by adding at the end of subsection (h) the following new sentence:— When making and entering a decree or an order for a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the commission or remanding the cause for further proceedings before the commission, the court shall state, in the usual form of an opinion issued by an appellate court, its reasons for making and entering such decree or order for decree,— so that said subsection (h) will read as follows:—

G. L. (Ter. Ed.), 150A, § 6, etc., amended.

Opinions of
superior court
relating to
orders, etc., of
labor relations
commission.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by section twenty C of chapter one hundred and forty-nine; sections one, nine and nine A of chapter two hundred and fourteen; and sections thirteen A and thirteen B of chapter two hundred and twenty. When making and entering a decree or an order for a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the commission or remanding the cause for further proceedings before the commission, the court shall state, in the usual form of an opinion issued by an appellate court, its reasons for making and entering such decree or order for decree.

Approved May 9, 1941.

Chap. 262 AN ACT AUTHORIZING THE CITY OF LYNN TO CONSTRUCT A PARKWAY IN TIDAL WATERS OF LITTLE RIVER, AN ESTUARY OF SAUGUS RIVER.

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn may take for park purposes by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, flats, water rights or easements necessary or required for a public park in, across or under the tide water of Little river, an estuary of Saugus river, at its intersection with Saugus river and, subject to chapter ninety-one of the General Laws, may construct and maintain a parkway or road without a drawbridge in, across or under said tide waters.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved May 9, 1941.

Chap. 263 AN ACT PROVIDING FOR THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO CENTER POND IN THE TOWN OF BECKET.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized and directed to lay out a right of way in the town of Becket from Washington street to Center pond for public access to said pond, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way. Said right of way shall be a path fifteen feet wide extending from Washington street along the northerly boundary line of property now or formerly of Frank N. Wade to the southeasterly cove of Center pond, with a widening to twenty-five feet at the shore and for a distance of twenty

feet back from the shore and with a similar widening at Washington street and for a distance of twenty feet from the entrance to said path. If it is necessary to acquire land for the purpose of laying out such right of way said county commissioners shall at the time such right of way is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way, shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The selectmen of the town of Becket from time to time may make specific repairs on or improve such way to such extent as they may deem necessary, but neither the county of Berkshire, nor any city or town therein, shall be required to keep such right of way in repair, nor shall they be liable for injury sustained by persons travelling thereon; provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way shall be borne by the county of Berkshire, or by such cities and towns therein, and in such proportions, as said county commissioners may determine.

SECTION 4. Said right of way shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or of any local board of health, under any general or special law.

Approved May 9, 1941.

AN ACT RELATIVE TO THE PLACING ON PROBATION OF CERTAIN *Chap. 264*
CHILDREN BY THE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. Section fifty-eight of chapter one hundred and nineteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the third paragraph the following new paragraph: —

If a child adjudged a wayward child or delinquent child is placed on probation by the superior court, he may be placed in the care of a probation officer of the district court, including in such term the Boston juvenile court, within the judicial district of which such child resides.

G. L. (Ter.
Ed.), 119,
§ 58, amended.

Children under
care of proba-
tion officers.

G. L. (Ter.
Ed.), 276,
§ 87, amended.

Same subject.

SECTION 2. Section eighty-seven of chapter two hundred and seventy-six of the General Laws, as so appearing, is hereby amended by adding at the end the words: — ; and provided, further, that in the case of any child under the age of seventeen placed upon probation by the superior court, he may be placed in the care of a probation officer of the district court, including in such term the Boston juvenile court, within the judicial district of which such child resides, — so as to read as follows: — *Section 87.* The superior court may place upon probation under any of its probation officers any person before it charged with crime and any court may place any person convicted before it in the care of its probation officer for such time and upon such conditions as it deems proper; provided, that no person convicted of a felony by a district court shall be placed on probation by said court in such case if it shall appear that he has been previously convicted of any felony; and provided, further, that in the case of any child under the age of seventeen placed upon probation by the superior court, he may be placed in the care of a probation officer of the district court, including in such term the Boston juvenile court, within the judicial district of which such child resides.

Approved May 13, 1941.

Chap. 265 AN ACT AUTHORIZING THE TRUSTEES OF WHEELOCK SCHOOL TO GRANT THE DEGREE OF BACHELOR OF SCIENCE IN EDUCATION.

Be it enacted, etc., as follows:

The trustees of Wheelock School, a corporation organized under general law, are hereby authorized to confer degrees of bachelor of science in education.

Approved May 13, 1941.

Chap. 266 AN ACT REDUCING THE NUMBER OF SIGNATURES REQUIRED ON NOMINATION PAPERS OF CERTAIN CANDIDATES FOR OFFICE IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 53,
§ 6, etc.,
amended.

Number of
signatures
on nomina-
tion papers.

Chapter fifty-three of the General Laws is hereby amended by striking out section six, as most recently amended by chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 6.* Nominations of candidates for any offices to be filled at a biennial state election may be made by nomination papers, stating the facts required by section eight and signed in the aggregate by not less than such number of voters as will equal three per cent of the entire vote cast for governor at the preceding biennial state election in the commonwealth at large or in the electoral district or division for which the officers are to be elected. Nominations of candidates for offices to be filled at a city or town election, except where city charters or general or special laws

provide otherwise, may be made by like nomination papers, signed in the aggregate by not less than such number of voters as will equal one per cent of the entire vote cast for governor at the preceding biennial state election in the electoral district or division for which the officers are to be elected, but in no event by less than twenty voters in the case of an office to be filled at a town election. At a first election to be held in a newly established ward, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

Approved May 13, 1941.

AN ACT RELATIVE TO THE PROCURING OF PREMISES OUTSIDE THE STATE HOUSE OR OTHER BUILDING OWNED BY THE COMMONWEALTH, FOR USE BY STATE DEPARTMENTS, COMMISSIONS, BOARDS AND OTHER AGENCIES. *Chap. 267*

Whereas, Certain leases by the commonwealth of privately owned premises have expired or will expire during the period between the beginning of the current fiscal year and the effective date of the next general appropriation act and it is desirable that they be renewed as soon as possible after their expiration, and this act is designed to furnish authority, which seems to be lacking under existing law, for their proper renewal during said period; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter eight of the General Laws is hereby amended by striking out section ten A, as amended by chapter one hundred and seventy of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following section: —
Section 10A. The commonwealth, acting through the executive or administrative head of a state department, commission or board and with the approval of the superintendent and of the governor and council, may lease for the use of such department, commission or board, for a term not exceeding five years, premises outside of the state house or other building owned by the commonwealth, if provision for rent of such premises for so much of the term of the lease as falls within the then current biennium, as defined in section one of chapter twenty-nine, has been made by appropriation. If the term of a lease under which premises are being used for the purposes of a particular activity by any such department, commission or board expires between the beginning of a biennium, as so defined, and the effective date of the general appropriation act for such biennium and no appropriation for rent for said premises has been made and if the general court has not provided otherwise, the commonwealth, acting through the executive or administrative head

G. L. (Ter.
Ed.), 8,
§ 10A, etc.,
amended.

Leasing of
premises
outside of
state owned
buildings.

of such department, commission or board, and with like approval, may hire or lease for such purposes the same or different premises, for a term not exceeding five years, obligating the commonwealth to pay no greater aggregate amount of rent for any period than was paid for a corresponding period under the expiring lease.

Approved May 13, 1941.

Chap. 268 AN ACT PROVIDING FOR THE ESTABLISHMENT OF AN AIRPORT WHOLLY OR PARTLY IN THE TOWN OF BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of an airport to be constructed by the federal government in the town of Bedford, or partly in said town and partly in the towns of Concord and Lincoln, or either of them, the department of public works, hereafter in this act referred to as said department, on behalf of the commonwealth, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such land within the limits of the area hereinafter bounded and described, such rights of way and other rights and easements as may be certified by the Massachusetts aeronautics commission to said department to be necessary, and such air rights as may be so certified to be necessary to provide unobstructed air space for the safe and convenient landing and taking off of aircraft utilizing such airport, and also including the right or easement, for a limited period of time or perpetually, to place and maintain such suitable marks for the daytime, and to place, operate and maintain such suitable lights for the nighttime marking of buildings, or other structures or obstructions, as may be necessary for the safe and convenient operation of aircraft utilizing said airport; provided, that no action shall be taken under this section until assurance has been received from the federal government that it will undertake and complete the construction of such airport to the extent permitted by the amount allocated as a part of the federal construction program authorized by Public Document No. 812, 76th Congress, approved October ninth, nineteen hundred and forty. The area within which land may be taken or acquired under this section is bounded and described as follows: — Beginning at the intersection of the Lincoln-Bedford town line and Lincoln road, thence northeasterly by way of Lincoln road and South road to the corner of South road and Forest street; thence northwesterly along Forest street to Hartwell road; thence westerly eight hundred feet along Hartwell road; thence due west twenty-five hundred feet to a point; thence due south thirty-five hundred feet to a point; thence southeast to Bedford road; thence northeasterly along Bedford road to Lincoln road and point of beginning. Any land, right or easement acquired under this section

may be used for airport purposes, notwithstanding any town by-law.

SECTION 2. Said department, acting in the name and behalf of the commonwealth and subject to the approval of the governor and council, may enter into such agreements with the federal government relative to the construction, maintenance and operation of said airport as may be necessary to ensure that the federal government will undertake the construction of such airport as a part of the federal construction program authorized as aforesaid, and may do such other things as may be necessary to co-operate with the federal government in the prosecution of such construction project; provided, that no agreement shall be entered into hereunder which shall obligate the commonwealth to any expenditure of funds on account of the construction of said airport.

SECTION 3. Said department, acting in the name and behalf of the commonwealth, and subject to the approval of the governor and council, may lease for operation such airport or any part thereof, provided, that in so doing the right of the public to use the same without discrimination is retained, and may lease or convey to the United States of America, with or without consideration, such part of the property of said airport as may be necessary for the construction and maintenance of any aid to aerial navigation. Said department, with the approval of the governor and council, may establish regulations for the use of such airport and may fix therein suitable penalties for the violation thereof, and may establish fees and charges for the use of such airport.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1941.

AN ACT FURTHER REGULATING REQUIREMENTS BY HOUSING AUTHORITIES AS TO TENANTS OF LOW-RENT HOUSING PROJECTS.

Chap. 269

Whereas, Because of the passage by the Congress of "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes" it is necessary, in order that Massachusetts Housing Authorities shall continue to receive certain payments from the federal government on account of projects entered into by such Authorities, that tenancy of such projects by non-citizens of the United States be prohibited by this commonwealth, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six AA of chapter one hundred and twenty-one of the General Laws, as appearing in

G. L. (Ter. Ed.), 121, § 26AA, etc., amended.

Management
of housing
projects.

section one of chapter four hundred and eighty-four of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out clause (d) and inserting in place thereof the following two clauses: — (d) It shall not accept as a tenant in any project any person who is not a citizen of the United States. (e) There shall be no discrimination; provided, that if the number of qualified applicants for dwelling accommodations exceeds the dwelling units available, preference shall be given to inhabitants of the city or town in which the project is located, and to the families who occupied the dwellings eliminated by demolition, condemnation and effective closing as part of the project so far as is reasonably practicable without discrimination against persons living in other sub-standard areas within the same city or town.

Temporary
provisions.

SECTION 2. Any regulation made, or contract entered into, prior to the effective date of this act by a housing authority subject to the Housing Authority Law providing in effect that such housing authority shall not accept as a tenant in a project any person who is not a citizen of the United States, is hereby validated and confirmed and shall have the same force and effect as if section one of this act had been in effect when such regulation was made or contract entered into.

Approved May 15, 1941.

Chap. 270 AN ACT TO REQUIRE THE CONSENT OF A PARENT OR GUARDIAN IN THE CASE OF THE MARRIAGE OF, OR THE APPLICATION FOR A MARRIAGE LICENSE BY, A NON-RESIDENT MINOR.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 207, § 7,
amended.

SECTION 1. Chapter two hundred and seven of the General Laws is hereby amended by striking out section seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 7.* A magistrate or minister shall not solemnize a marriage if he has reasonable cause to believe that the male is under twenty-one or the female is under eighteen, except with the consent of the parent or guardian having custody of the minor; provided, that such consent shall not be required in the case of a minor domiciled within the commonwealth, if there shall be no such parent or guardian of said minor in the commonwealth competent to act.

Minors not to
be married
without con-
sent of parents,
etc.

G. L. (Ter.
Ed.), 207, § 33,
amended.

SECTION 2. Section thirty-three of said chapter two hundred and seven, as so appearing, is hereby amended by inserting after the word "consent" in the ninth line the following: — ; provided, that the applicants for the certificate are domiciled within the commonwealth, — so as to read as follows: — *Section 33.* The clerk or registrar shall not issue the certificate under section twenty-eight before the time therein specified, except as otherwise provided; nor to a male under twenty-one, or to a female under eighteen, when he has reasonable cause to believe the person to be under

Certificate
not to be
issued to cer-
tain minors.

such age, except upon the application or consent in writing of the parent or guardian of such person or by order of the probate or district court under section twenty-five. If there is no parent or guardian in this commonwealth competent to act, a certificate may be issued without such application or consent; provided, that the applicants for the certificate are domiciled within the commonwealth. Such certificate shall not be issued if a parent or guardian whose consent is required thereto has withdrawn such consent by a writing filed with the clerk or registrar.

Approved May 15, 1941.

AN ACT ESTABLISHING NON-PARTISAN MUNICIPAL ELECTIONS *Chap. 271*
IN THE CITY OF CHICOPEE.

Be it enacted, etc., as follows:

SECTION 1. On the third Tuesday preceding every regular or special municipal election in the city of Chicopee at which any elective municipal office is to be filled, there shall be held, except as otherwise provided in section nine, a preliminary election for the purpose of nominating candidates therefor. At every such election the polls shall be opened during such hours, in accordance with general law, as the city council may prescribe and the general laws relative to municipal elections shall apply thereto, except as is otherwise specifically provided for in this act.

SECTION 2. Except as is otherwise provided in said section nine, there shall not be printed on the official ballot to be used at any regular or special municipal election in said city the name of any person as a candidate for any office unless such person has been nominated as such at a preliminary election for nomination, held as provided in this act. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such election unless he shall have submitted, within the time limited and as provided by section three, the nomination paper therein described.

SECTION 3. Any person who is qualified to vote at any regular or special municipal election in said city for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election for nomination therefor; provided, that if he is a candidate to be voted for in a single ward he shall be a registered voter in the ward wherein he is a candidate; and provided, further, that on or before five o'clock in the afternoon of the sixth Tuesday preceding such regular or special municipal election there shall be submitted to the board of registrars of voters a nomination paper prepared and issued by the city clerk, wherein the candidate sets forth in writing his candidacy, and wherein the petition is signed in person by at least

fifty, or, in case of a candidate for the office of mayor, by at least two hundred and fifty, voters of the city qualified to vote for a candidate for the said office, whose signatures are certified as hereinafter provided.

Said nomination papers shall be in substantially the following form:—

COMMONWEALTH OF MASSACHUSETTS.

CITY OF CHICOPEE.

NOMINATION PAPER.

STATEMENT OF CANDIDATE.

I (), on oath declare that I am a citizen of the United States of America, that I reside at (number, if any) on (name of street) and ward in the city of Chicopee, that I am a voter therein, qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for the office of (name of office) for (state the term) to be voted for at the preliminary election to be held on Tuesday, the day of , nineteen hundred and , and I request that my name be printed as such candidate on the official ballot for use at said preliminary election.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

Hampden, ss.

Subscribed and sworn to on this day of ,
nineteen hundred and before me,

(Signed)

Justice of the Peace
(or Notary Public).

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we, the undersigned, voters of the city of Chicopee, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary election to be held on Tuesday, the day of , nineteen hundred and . We further state that we believe him to be of good moral character and qualified to perform the duties of the office, and that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto.

SIGNATURES OF NOMINATORS. (To be made in person.)	Residence January 1.	Ward.	Present Residence.

No acceptance by the candidate for the nomination named in the said nomination paper shall be necessary to its validity or its filing. The petition, which may be on one or more papers, need not be sworn to.

SECTION 4. After any such nomination paper has been submitted to said board of registrars of voters, hereinafter called the board, it shall certify thereon the number of signatures which are the names of registered voters in said city qualified to sign the same. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board for one year. The board shall complete their certification on or before five o'clock in the afternoon of the fifth Tuesday preceding such regular or special municipal election, and the board, or some member thereof, shall file with the city clerk on or before five o'clock in the afternoon of the next day all papers not found to be invalid as aforesaid.

SECTION 5. On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers with the city clerk, he shall post in a conspicuous place in his office the names and residences of the candidates for nomination who have duly qualified as such, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, which shall be drawn by lot by the city clerk within seventy-two hours succeeding five o'clock in the afternoon of the last day fixed for filing the nomination papers with him, and he shall cause the ballots, which shall contain said names in their order as drawn by him, and no others, with a designation of residence, and of the office and term of office, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any regular or special municipal election in said city unless such person is qualified to be nominated under section three. There shall be printed on such ballots such directions as will aid the

voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed substantially as follows:—

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for the offices of (name of offices) in the city of Chicopee at a preliminary election to be held on the day of , in the year nineteen hundred and .

On the back and outside of each ballot when folded shall be printed the words "Official Ballot for Preliminary Election", followed by the designation of the ward for which the ballot is prepared, the date of the preliminary election and a facsimile of the signature of the city clerk.

SECTION 6. No ballot used at any preliminary election in said city shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

SECTION 7. The election officers of said city shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the city clerk, who shall canvass said returns and shall forthwith determine the result thereof, insert the same in a newspaper published in said city and post the same in a conspicuous place in his office.

SECTION 8. If any person receives at a preliminary election a majority of all the votes cast for the office for nomination to which he was a candidate, he shall be deemed and declared elected thereto; provided, that at said election at least eighty per cent of the total registered vote of the city, or, in the case of a ward alderman, of the ward, shall be cast; otherwise the two persons receiving at a preliminary election the highest number of votes for nomination for any office, except one to which two or more persons are to be elected at the regular or special municipal election following, and, as to each of such offices, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office, shall, except as provided in this section and in section nine, be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special municipal election at which such office is to be filled.

If the preliminary election results in a tie vote among candidates for nomination to any office receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the regular or special municipal election, all candidates participating in said tie vote shall have

their names printed upon the official ballot, although in consequence there be printed thereon the names of candidates to a number exceeding twice the number to be elected.

SECTION 9. If at the expiration of the time for filing with the city clerk nomination papers for candidates to be voted for at any preliminary election there have not been filed with him more than twice as many such nomination papers for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballot to be used at the regular or special municipal election following, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of said city, no preliminary election shall be held in any such ward or wards.

SECTION 10. So much of chapter two hundred and thirty-nine of the acts of eighteen hundred and ninety-seven, and acts in amendment thereof and in addition thereto, as is inconsistent herewith is hereby repealed.

SECTION 11. This act shall be submitted for acceptance to the registered voters of the city of Chicopee at the biennial state election to be held in the year nineteen hundred and forty-two, in the form of the following question, which shall be printed on the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act establishing Non-Partisan Municipal Elections in the City of Chicopee', be accepted?" If the majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect for the regular municipal election to be held in said city in the year nineteen hundred and forty-three, and for all municipal elections in said city thereafter, but not otherwise.

Approved May 15, 1941.

AN ACT RELATIVE TO THE FILING OF NOMINATION PAPERS OF CANDIDATES TO BE VOTED FOR AT CITY OR TOWN PRIMARIES.

Chap. 272

Be it enacted, etc., as follows:

Section sixty-one of chapter fifty-three of the General Laws, as most recently amended by chapter four hundred and eleven of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the fourth line, the word "twenty" and inserting in place thereof the word: — twenty-one, — so as to read as follows: — *Section 61.* All nomination papers of candidates to be voted for at city or town primaries shall be filed with the city or town

G. L. (Ter. Ed.), 53, § 61, etc., amended.

Nomination papers, filing of, for city and town primaries.

clerk not less than twenty-one week days previous to the day on which the primary is to be held for which the nominations are made. Every such nomination paper shall be submitted at or before five o'clock in the afternoon of the seventh day preceding the day on which it must be filed to the registrars of the city or town where the signers appear to be voters, and the registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars need not certify a greater number of names than are required to make a nomination, increased by one fifth thereof. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The city or town clerk shall not be required, in any case, to receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make a nomination, increased by one fifth thereof.

Approved May 15, 1941.

Chap. 273 AN ACT MAKING MISCELLANEOUS CHANGES IN THE LAWS
RELATIVE TO RAILROADS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 160,
§ 134,
amended.

Bridge
guards.

SECTION 1. Section one hundred and thirty-four of chapter one hundred and sixty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "railroad" in the second line the following: — at a height less than twenty-two feet, — so as to read as follows: — *Section 134.* Every railroad corporation, at every bridge or other structure, any portion of which crosses the railroad at a height less than twenty-two feet above the track, shall erect and maintain, in a manner prescribed by the department, suitable bridge guards, of a type approved by the department, except at places where, and so long as, it is specially exempted from so doing by the department. A corporation which neglects to comply with this section shall forfeit fifty dollars for each month's neglect. Whoever wilfully destroys or breaks any such bridge guard shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

G. L. (Ter.
Ed.), 160,
§ 138,
amended.

Bell to be
rung or
whistle to
be sounded.

SECTION 2. Section one hundred and thirty-eight of said chapter one hundred and sixty, as so appearing, is hereby amended by striking out, in the second line, the word "steam", — so as to read as follows: — *Section 138.* Every railroad corporation shall cause a bell of at least thirty-five pounds in weight, and a whistle, to be placed on each locomotive engine passing upon its railroad; and such bell shall be rung or at least three separate and distinct blasts of such

whistle sounded at the distance of at least eighty rods from the place where the railroad crosses upon the same level any public way or traveled place over which a signboard is required to be maintained as provided in sections one hundred and forty and one hundred and forty-one; and such bell shall be rung or such whistle sounded continuously or alternately until the engine has crossed such way or traveled place. This section shall not affect the authority conferred upon the department by the following section.

SECTION 3. Section one hundred and sixty-seven of said chapter one hundred and sixty, as so appearing, is hereby amended by inserting before the word "owned" in the second line the following: — , equipped with platforms, and , — so as to read as follows: — *Section 167*. Every passenger, baggage, mail and express car, equipped with platforms, and owned or regularly used on any railroad in the commonwealth shall be provided at each end thereof with platform gates of a pattern approved by the department. A railroad corporation which hauls or uses, or permits to be hauled or used, on its railroad any car in violation of this section shall forfeit one hundred dollars to the use of the commonwealth, and the attorney general or the district attorney for the district where such violation occurred shall bring an action therefor.

G. L. (Ter. Ed.), 160, § 167, amended.

Platform gates.

SECTION 4. Section two hundred and forty-five of said chapter one hundred and sixty, as so appearing, is hereby amended by striking out, in the thirteenth and fourteenth lines, the words "If they allow steam power to be used on such railroad, the" and inserting in place thereof the word: — The, — so as to read as follows: — *Section 245*. A person or corporation may construct a railroad for private use in the transportation of freight; but shall not take or use lands or other property therefor without the consent of the owner thereof. No such railroad shall be connected with the railroad of another corporation without its consent; nor shall it be constructed across or upon a public way or traveled place without the consent of the board of aldermen or selectmen, nor except in a place and manner approved by them. If the board of aldermen or selectmen consent, they shall from time to time make such regulations relative to motive power, rate of speed, and time and manner of using the railroad over and upon such way or traveled place, as in their judgment the public safety and convenience require, and they may order such changes to be made in the track as are rendered necessary by the alteration or repair of such way. The provisions of this chapter and chapter one hundred and fifty-nine relative to the crossing of ways and traveled places by railroad corporations shall apply to such railroad, and to the person constructing or operating the same.

G. L. (Ter. Ed.), 160, § 245, amended.

Railroads for private use.

Approved May 15, 1941.

Chap.274 AN ACT AUTHORIZING CERTAIN LIMITED FRATERNAL BENEFIT SOCIETIES TO TRANSFER THEIR MEMBERSHIPS AND FUNDS TO SIMILAR SOCIETIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 176, § 46, etc., amended.

Section forty-six of chapter one hundred and seventy-six of the General Laws, as most recently amended by section two of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the third paragraph, as appearing in the Tercentenary Edition, the following new paragraph:—

Transfer to similar societies authorized.

With the written approval of the commissioner and the consent of each society expressed by vote at a duly called meeting, any society subject to this section may transfer its membership and funds to any authorized similar society.

Approved May 15, 1941.

Chap.275 AN ACT FURTHER REGULATING THE ACQUISITION AND HOLDING OF REAL ESTATE BY WATER AND AQUEDUCT COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 165, § 19, repealed.

SECTION 1. Section nineteen of chapter one hundred and sixty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby repealed.

G. L. (Ter. Ed.), 165, new section 28, added.

Water, etc., companies holding, etc., real estate by.

SECTION 2. Said chapter one hundred and sixty-five is hereby amended by adding at the end, under the caption GENERAL PROVISIONS, the following new section:— *Section 28.* Any water or aqueduct company which is limited by its charter or by any other special law as to the amount of real estate which it may acquire and hold may apply to the department of public utilities for authority to acquire and hold real estate in excess of the amount so limited, and said department may grant such authority if it shall find that such additional real estate is necessary or convenient for such company in carrying out the purposes of its organization and that the acquisition and holding thereof will not be contrary to the public interest.

Approved May 15, 1941.

Chap.276 AN ACT RELATIVE TO THE AUDITOR'S STATEMENT TO ACCOMPANY THE REPORT OF CONDITION OF CERTAIN CORPORATIONS AND THE SELECTION OF THE AUDITOR.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 156, § 49, amended.

Verification by auditor.

Chapter one hundred and fifty-six of the General Laws is hereby amended by striking out section forty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 49.* Such report of a corporation which has a capital stock of one hundred thousand dollars or more, for this purpose counting shares without par

value as of a par value of one hundred dollars each, shall be accompanied by a written statement on oath by an auditor that such report represents the true condition of the affairs of said corporation as disclosed by its books at the close of the fiscal year covered by such report. Except as hereinafter provided, such auditor shall be selected and employed by a committee of three stockholders who are not directors, which shall be selected at the annual meeting of the stockholders in said fiscal year. If there are not three stockholders other than directors able and willing to serve on such committee, he shall be selected and employed by the directors, or if such auditor shall have been selected by the directors or a committee thereof prior to said annual meeting and such selection shall have been ratified by the stockholders at said meeting, or if such auditor shall have been selected by the stockholders at said meeting, the person so selected shall be employed by the directors; but no bookkeeper, treasurer or other officer of the corporation shall be appointed as such auditor. The statement of the auditor shall be filed by him with said report in the office of the state secretary and shall be attached to and form part of it. The auditor shall be duly sworn to the faithful performance of his duties, and the officers of the corporation who sign said report of condition shall certify thereon that the auditor was duly elected and qualified, as herein provided.

Approved May 15, 1941.

AN ACT RELATIVE TO TIME OFF FOR GOOD BEHAVIOR IN THE CASE OF PRISONERS IN CERTAIN STATE PENAL AND REFORMATORY INSTITUTIONS. *Chap. 277*

Be it enacted, etc., as follows:

Section one hundred and thirty of chapter one hundred and twenty-seven of the General Laws, as amended by section one of chapter two hundred and sixty-four of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "deductions" in the thirty-eighth line the words: — , from both the former sentence and any subsequent sentence of imprisonment for the offence of which he was so convicted, — so as to read as follows: — *Section 130.* Every officer in charge of a prison or other place of confinement, except the state farm, shall keep a record of the conduct of each prisoner in his custody whose term of imprisonment is four months or more. Every such prisoner whose record of conduct shows that he has faithfully observed all the rules and has not been subjected to punishment shall be entitled to a deduction from the maximum term for which he may be held under his sentence, which shall be determined as follows: upon a sentence of not less than four months and less than one year, one day for each month; upon a sentence of not less than one year and less than three years, three days for each month; upon

G. L. (Ter. Ed.), 127, § 130, etc., amended.

Paroles, deductions for good conduct. Exceptions.

a sentence of not less than three years and less than five years, four days for each month; upon a sentence of not less than five years and less than ten years, five days for each month; upon a sentence of ten years or more, six days for each month. If a prisoner has two or more sentences to be served otherwise than concurrently, the aggregate of his several sentences shall be the basis upon which the deduction shall be determined. A prisoner who is entitled to such deduction shall receive a written permit to be at liberty during the time so deducted, upon such terms as the board which grants the permit shall prescribe, which, in the case of a prisoner sentenced or transferred to a state institution, shall include a minimum requirement that he shall reside in a home approved by said board. If a prisoner violates any of the rules of his prison or other place of confinement, in the case of a prisoner sentenced or transferred to a state institution, the commissioner, upon recommendations and evidence submitted to him in writing by the warden, superintendent or officer in charge, and, in the case of a prisoner sentenced to and confined in a county institution, the board authorized to grant permits to such prisoners, shall decide what part of such deduction shall be forfeited by such violation. If, during the term of imprisonment of a prisoner sentenced or transferred to a state institution, such prisoner shall commit any offence of which he shall be convicted, all such deductions, from both the former sentence and any subsequent sentence of imprisonment for the offence of which he was so convicted, shall be thereby forfeited.

Approved May 15, 1941.

Chap. 278 AN ACT CHANGING THE TIME FOR THE FILING OF CERTAIN CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR CITY OFFICES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, § 10, etc., amended.

Section ten of chapter fifty-three of the General Laws, as amended, is hereby further amended by striking out the second paragraph, as most recently amended by section two of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following paragraph:—

Nomination, etc., papers for city offices, time for filing.

In any city which does not accept section one hundred and three A of chapter fifty-four, certificates of nomination and nomination papers shall be filed on or before the twenty-first day preceding the day of the election, except as otherwise provided in any special law affecting such city. In any city which accepts said section one hundred and three A, certificates of nomination and nomination papers for any regular city election shall be filed on or before the twenty-eighth day preceding such city election. In any such city the time for presenting nomination papers for certification to the registrars of voters, and for certifying

the same, shall be governed by section seven of this chapter, notwithstanding any contrary provision in any special law. In any city where primaries are held, under authority of general or special law, for the nomination of candidates for city offices, certificates of nomination and nomination papers shall be filed not later than the last day fixed for the filing of nomination papers for such primaries.

Approved May 15, 1941.

AN ACT FURTHER LIBERALIZING THE PROVISIONS OF LAW IN Chap. 279
RELATION TO ABSENTEE VOTING.

Be it enacted, etc., as follows:

SECTION 1. Section ninety-two of chapter fifty-four of the General Laws, as most recently amended by section one of chapter one hundred and sixty-two of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the ninth and in the twenty-eighth and twenty-ninth lines, the words "which is separated by at least one municipality from" and inserting in place thereof, in each instance, the words:— other than,— so as to read as follows:— *Section 92.* A voter who has received an official absent voting ballot as provided in section eighty-nine may vote by mailing the same to the city or town clerk, or, if on the day of the biennial state election he will be on the high seas in the prosecution of the business of fishing or as a mariner, by delivering the same to such clerk. He shall mark said ballot in the presence of an official authorized by law to administer oaths, and of no other person, in a municipality other than the city or town where the voter is registered, or, if on the day of the biennial state election he will be on the high seas in the prosecution of the business of fishing or as a mariner, he may mark said ballot in the presence of the city or town clerk, and of no other person, in the municipality wherein he is registered. Before marking the ballot he shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marks it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the same in the proper envelope provided for by clause (c) of section eighty-seven. He shall then execute before said official the necessary affidavit on said envelope as set forth in said clause (c), and shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of said section, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, postage prepaid, at a post office in a municipality other than the city or town wherein the voter is registered, or, if on the day of the biennial state election he will be on the high seas in the prosecution of the business of fishing or as a mariner, may deliver the same

G. L. (Ter. Ed.), 54, § 92, etc., amended.

Absentee voting.

within the time so prescribed to the clerk of the municipality wherein he is registered.

G. L. (Ter.
Ed.), 54,
§ 87, etc.,
amended.

SECTION 2. Subsection (c) of section eighty-seven of said chapter fifty-four, as amended, is hereby further amended by striking out the first affidavit therein appearing and inserting in place thereof the following: —

Affidavit.

State of _____,
County of _____, ss.

I, _____, do solemnly swear that I am a registered voter in the city or town of _____, Massachusetts, in precinct _____, ward _____, that the place where I now am is not the municipality in which I am a registered voter; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I have marked, enclosed and sealed the within ballot as stated hereon by the person taking my oath.

(Signature)

Approved May 15, 1941.

Chap. 280 AN ACT FURTHER REGULATING THE STATEMENTS OF POLITICAL EXPENSES OF CANDIDATES AND POLITICAL COMMITTEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 55, § 16,
amended.

SECTION 1. Section sixteen of chapter fifty-five of the General Laws, as appearing in the Tercenary Edition, is hereby amended by adding at the end the following new sentence: — Every such statement shall include the name and last known address of each person by or on behalf of whom any money or thing of value was so paid or promised to be paid to such candidate or to a person on his behalf, and also the name and last known address of every person to whom or on behalf of whom any money or thing of value was so expended, contributed or promised by the candidate or by a person on his behalf, — so as to read as follows: —

Candidates
to file
statements.

Section 16. Every candidate for nomination for or election to a public office shall file a statement setting forth each sum of money and thing of value paid or promised to him or to a person on his behalf, and each sum of money and thing of value expended, contributed or promised by him or by a person on his behalf, for the purpose of securing or in any way affecting his nomination or election to the office, and the name of the person or political committee to or by whom the payment, contribution or promise was made and the date thereof, or, if nothing has been paid or promised to him or to a person on his behalf or contributed, expended or promised by him or by a person on his behalf, a statement to that effect. Such a statement shall be filed by a candidate for nomination as aforesaid at a primary or caucus preceding a special state, city or town election, within seven

days after such primary or caucus, and by a candidate for nomination as aforesaid at any other primary or caucus, within sixteen days thereafter, and by a candidate for election as aforesaid, within fourteen days after the election. Every such statement shall include the name and last known address of each person by or on behalf of whom any money or thing of value was so paid or promised to be paid to such candidate or to a person on his behalf, and also the name and last known address of every person to whom or on behalf of whom any money or thing of value was so expended, contributed or promised by the candidate or by a person on his behalf.

SECTION 2. Section seventeen of said chapter fifty-five, as so appearing, is hereby amended by inserting after the word "incurred" in the eighteenth line the following new sentence:— Every such statement shall include, the name and last known address of every person by or on behalf of whom any money or thing of value was so paid or promised to be paid to such committee or to a person on its behalf, and also the name and last known address of every person to whom or on behalf of whom any money or thing of value was so expended, contributed or promised by such political committee or by a person on its behalf, — so as to read as follows:— *Section 17.* The treasurer of every political committee which receives, expends or disburses any money or its equivalent, or incurs any liability to pay money, in connection with any nomination or election to an amount exceeding twenty dollars, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee and of every officer and other person acting under its authority or in its behalf. It shall include the amount in each case received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made, and the date thereof; and, unless such expenditure or disbursement was made to another political committee, shall clearly state the purpose of such expenditure or disbursement; also the date and amount of every existing promise or liability, both to and from such committee, remaining unfulfilled and in force when the statement is made, the name of the person or committee to or from whom the unfulfilled promise or liability exists, and a clear statement of the purpose for which the promise or liability was made or incurred. Every such statement shall include the name and last known address of every person by or on behalf of whom any money or thing of value was so paid or promised to be paid to such committee or to a person on its behalf, and also the name and last known address of every person to whom or on behalf of whom any money or thing of value was so expended, contributed or promised by such political committee or by a person on its behalf. If the aggregate receipts or disbursements of a po-

G. L. (Ter. Ed.), 55, § 17, amended.

Treasurer of political committee to file statement, contents.

litical committee in connection with any nomination or election shall not exceed twenty dollars, or if such a committee has not received, expended or disbursed any money or its equivalent, or incurred any liability, in connection with any nomination or election, the treasurer of the committee shall, within thirty days after the election, file a statement setting forth the fact.

Approved May 15, 1941.

Chap. 281 AN ACT AUTHORIZING THE GREENFIELD TAP AND DIE CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO MAINTAIN A BRIDGE AND A PIPE LINE OVER NORTH STREET IN THE TOWN OF GREENFIELD.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Greenfield may grant and issue a permit to the Greenfield Tap and Die Corporation, a corporation duly established and existing under the laws of this commonwealth, its successors and assigns, hereinafter and in section two referred to as said corporation, to maintain a bridge and a pipe line over North street in said town, at points where said corporation owns the land in fee on opposite sides of said street and also the fee in that part of said street to be crossed by said bridge and said pipe line, for the purpose of connecting buildings owned and occupied by said corporation on opposite sides of said street. Said permit shall be granted upon the condition of such ownership and such further conditions and subject to such restrictions as the selectmen may prescribe.

SECTION 2. Any such bridge maintained under a permit granted as aforesaid shall be maintained at a height not less than fifteen feet above the grade line of said street and shall not be more than nine feet in width, and any such pipe line maintained under said permit shall be maintained at a height not less than nineteen feet above the grade line of said street and shall not be more than three and one half feet in width. No part of such bridge, or such pipe line, or its supports, shall rest on the surface of said street, nor shall such bridge or such pipe line be maintained over any portion of said street not owned in fee by said corporation without the written consent of the owners of such portion in each instance.

SECTION 3. If a traveler on the highway while in the exercise of due care sustains bodily injury or damage in his property by reason of the maintenance of such bridge or such pipe line, he may recover damages therefor in an action of tort brought in the superior court against said Greenfield Tap and Die Corporation, or its successors or assigns, within one year after the date of such injury or damage; provided, that such notice of the time, place and cause of said injury or damage be given to said Greenfield Tap and Die Corporation, or its successors or assigns, by, or on behalf of, the person sustaining the same as is, under the provisions of chapter eighty-four of the General Laws, valid and sufficient in cases

of injury or damage sustained by reason of a defect or a want of repair in or upon a way, if such defect or want of repair is caused by or consists in part of snow or ice, or both. The remedy herein provided shall not be exclusive, but shall be in addition to any other remedy provided by law.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1941.

AN ACT RELATIVE TO THE USE IN THIS COMMONWEALTH OF COMMERCIAL MOTOR VEHICLES, TRAILERS OR SEMI-TRAILERS OWNED BY MASSACHUSETTS CORPORATIONS OR RESIDENTS AND USED IN CONNECTION WITH THEIR PLACES OF BUSINESS LOCATED OUTSIDE THE COMMONWEALTH.

Chap. 282

Be it enacted, etc., as follows:

Section three of chapter ninety of the General Laws, as most recently amended by chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby further amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 90, § 3, etc., amended.

A corporation organized under the laws of this commonwealth, or a person resident therein, having a place of business in another state or a foreign country shall, with respect to the operation upon the ways of this commonwealth of a commercial motor vehicle, trailer or semi-trailer which is used in connection with such place of business, is customarily garaged in such other state or foreign country and is registered therein, have the rights and privileges and be subject to the obligations imposed by this section.

Motor vehicles used outside of the commonwealth by Massachusetts residents.

Approved May 19, 1941.

AN ACT PERMITTING CERTAIN UNREGISTERED MOTOR TRUCKS TO BE OPERATED UPON WAYS IN CERTAIN CASES.

Chap. 283

Be it enacted, etc., as follows:

Section nine of chapter ninety of the General Laws, as amended by chapter three hundred and sixty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the fourteenth, sixteenth, eighteenth and twenty-first lines, the words "or trailer" and inserting in place thereof, in each instance, the words: — , trailer or truck, — so as to read as follows: — *Section 9.* No person shall operate any motor vehicle or draw any trailer, and the owner or custodian of such a vehicle shall not permit the same to be operated upon or to remain upon any way except as authorized by section three, unless such vehicle is registered in accordance with this chapter and carries its register number displayed as provided in section six, and, in the case of a motor vehicle, is equipped as provided in section seven, except that any motor vehicle or trailer may, if duly registered, be operated or remain upon any way between the hours of twelve o'clock noon on December thirty-

G. L. (Ter. Ed.), 90, § 9, etc., amended.

Operation of unregistered, etc., motor vehicles.

first of one year and twelve o'clock noon on January first of the following year if it carries its register number of either year displayed as provided in section six, and except that a tractor, trailer or truck may be operated without such registration upon any way for a distance not exceeding one half mile, if said tractor, trailer or truck is used exclusively for agricultural purposes, or for a distance not exceeding three hundred yards, if such tractor, trailer or truck is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such tractor, trailer or truck to other property so owned or occupied; but violation of this section shall not constitute a defence to actions of tort for injuries suffered by a person, or for the death of a person, or for injury to property, unless it is shown that the person injured in his person or property or killed was the owner or operator of the motor vehicle the operation of which was in violation of this section, or unless it is shown that the person so injured or killed, or the owner of the property so injured, knew or had reasonable cause to know that this section was being violated. A motor vehicle or trailer shall be deemed to be registered in accordance with this chapter notwithstanding any mistake in so much of the description thereof contained in the application for registration or in the certificate required to be filed under section thirty-four B as relates to the type of such vehicle or trailer or to the engine, serial or maker's number thereof, or any mistake in the statement of residence of the applicant contained in said application or certificate.

Approved May 19, 1941.

Chap. 284 AN ACT PROVIDING THAT THE CHAIRMAN OF THE BOARD OF PUBLIC WELFARE OF THE TOWN OF WEST SPRINGFIELD BE A TOWN MEETING MEMBER EX OFFICIO.

Be it enacted, etc., as follows:

Section three of chapter three hundred and eleven of the acts of nineteen hundred and twenty-two is hereby amended by inserting after the word "commission" in the fifteenth line the words: — , the chairman of the board of public welfare, — so that the first sentence will read as follows: — Any representative town meeting held under the provisions of this act, except as otherwise provided, shall be limited to the elected town meeting members together with the following, designated as town meeting members ex officio, namely: any member of the general court of the commonwealth of Massachusetts who is a registered voter of the town, the town moderator, the town clerk, the selectmen, the town treasurer, the town counsel if a registered voter of the town, the town collector of taxes, the town auditor or auditors, the chairman of the school committee, the chairman of the trustees of the public library, the chairman of the board of health, the chairman of the park commission, the chairman

of the water commission, the tree warden, the chairman of the planning board, the chairman of the assessors of taxes, the chairman of the sinking fund commission, the chairman of the board of public welfare and the members of the finance committee.

Approved May 19, 1941.

AN ACT RELATIVE TO THE ENDORSEMENT, ON PROMISSORY NOTES GIVEN IN CONNECTION WITH CONTRACTS OF CONDITIONAL SALE OF PERSONAL PROPERTY, OF PAYMENTS MADE UNDER THE TERMS OF SUCH CONTRACTS.

Chap. 285

Be it enacted, etc., as follows:

Section thirteen of chapter two hundred and fifty-five of the General Laws, as amended by section one of chapter five hundred and nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "copy" in the fifth line the words: — and on any promissory note which is evidence of the obligation of the vendee, — so as to read as follows: — *Section 13.* A copy of every such contract shall be furnished to the vendee at the time of its execution. When a payment is made by the vendee under the terms of any such contract, on request of the vendee, such payment shall be endorsed on the contract and on such copy and on any promissory note which is evidence of the obligation of the vendee or set forth in a receipt given to the vendee. Any such receipt shall include the amount of the payment made and the balance due on the contract, with a specific identification of the contract to which the payment is applied. Failure of the vendor through negligence to comply with any provision of this section shall suspend his rights under the contract while such failure continues.

G. L. (Ter. Ed.), 255, § 13, etc., amended.

Copy of contract to be furnished vendee.

Approved May 19, 1941.

AN ACT MORE FULLY DEFINING THE TERM, "ADJUSTER OF FIRE LOSSES".

Chap. 286

Be it enacted, etc., as follows:

Section one hundred and sixty-two of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 175, § 162, amended.

Whoever, for compensation, not being an attorney at law acting in the usual course of his profession, or a trustee or agent of the property insured, directly or indirectly solicits from the insured or his representative the settlement or appraisal of a loss under a fire insurance policy shall be an adjuster of fire losses.

Adjuster of fire losses.

Approved May 19, 1941.

Chap. 287 AN ACT AUTHORIZING GAETANO BRUNO JUVENILE MUTUAL RELIEF ASSOCIATION OF ARIANO, INC. TO MAKE LOANS TO ITS MEMBERS.

Be it enacted, etc., as follows:

Gaetano Bruno Juvenile Mutual Relief Association of Ariano, Inc., a fraternal mutual benefit society organized under general laws, may make loans to its members; provided, that any such loan made to a member shall not be in excess of the amount of the member's death benefit; and provided, further, that notwithstanding any provision of section thirty of chapter one hundred and seventy-six of the General Laws, the amount of any such outstanding loan which remains unpaid at the decease of a member may be deducted from the death benefit due to such member's beneficiary.

Approved May 19, 1941.

Chap. 288 AN ACT PENALIZING THE FAILURE TO FILE CERTAIN CERTIFICATES OF REGISTRATION AND TO PAY CERTAIN FEES IN CONNECTION WITH THE STORING, MANUFACTURING AND SELLING OF CERTAIN EXPLOSIVES AND INFLAMMABLE MATERIALS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 148, § 16, amended.

Section sixteen of chapter one hundred and forty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "thirteen" in the fifth line the words: —, or whoever, not being exempt from the provisions of section thirteen relating to the filing of a certificate of registration, fails to file said certificate and to pay such fee as may be established under section thirteen, — so as to read as follows: — *Section 16.* Whoever keeps, stores, uses, manufactures, sells, handles or otherwise disposes of any of the articles mentioned in section nine, in violation of section twelve or thirteen or of any regulation, ordinance or by-law made under section nine, or whoever violates any regulation made under section thirteen, or whoever, not being exempt from the provisions of section thirteen relating to the filing of a certificate of registration, fails to file said certificate and to pay such fee as may be established under section thirteen, shall, except as provided in sections fifteen and thirty-five and in section one hundred and two A of chapter two hundred and sixty-six, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both.

Storing, etc., of explosives.

Penalties.

Approved May 19, 1941.

AN ACT AUTHORIZING THE CITY OF HOLYOKE TO CONVEY TO
STEWART R. ALLYN AND EDWARD S. O'DONNELL CERTAIN
LAND OWNED BY SAID CITY AND TO RECEIVE IN EXCHANGE
THEREFOR CERTAIN PROPERTY FROM SAID ALLYN AND
O'DONNELL. Chap. 289

Be it enacted, etc., as follows:

The city of Holyoke, acting through its park and recreation commission or other authorized agent, is hereby empowered to convey, without monetary consideration, to Stewart R. Allyn and Edward S. O'Donnell, both of said Holyoke, jointly and as partners, as part of their partnership estate, a certain lot of land situated in said Holyoke on the easterly side of Pleasant street extension and described as follows: — Beginning at the southwest corner of lot numbered one of land of Hastings Realty Trust as shown on a plan recorded in Hampden county registry of deeds, book of plans sixteen, page sixty-two; thence running southerly along the easterly line of said Pleasant street extension a distance of one hundred eighteen and fifty-eight one hundredths feet, more or less, to land now or formerly of one Charleton; thence running easterly along the northerly line of said land of one Charleton a distance of one hundred and thirty-two feet, more or less, to a point; thence running northerly a distance of one hundred and seventy-six one hundredths feet, more or less, to the southeast corner of said lot numbered one; thence running westerly along the southerly line of said lot numbered one a distance of one hundred twenty-seven and seventy-five one hundredths feet, more or less, to the point of beginning; and in exchange therefor to acquire by deed, without monetary consideration, from said Allyn and O'Donnell, a certain lot of land located in said Holyoke on the easterly side of the Pleasant street extension, so-called, bounded and described as follows: — Beginning at the northwest corner of lot numbered seven as shown on a plan of lots recorded in Hampden county registry of deeds, book of plans sixteen, page sixty-two; thence running northerly on the easterly line of said Pleasant street extension a distance of seventy-five feet to a point; thence running easterly a distance of one hundred and forty-four feet, more or less, to a point in the line of land of the grantee herein named; thence running southerly a distance of ninety-two feet along line of land of grantee to the northeast corner of said lot numbered seven; thence running westerly along the northerly line of said lot numbered seven a distance of one hundred thirty-two and seventy-five one hundredths feet, more or less, to the point of beginning; being the southerly portion of lot numbered eight as shown on said plan of lots. *Approved May 19, 1941.*

*Chap.*290 AN ACT RELATIVE TO THE CLASSIFICATION AND ESTABLISHMENT OF SENIORITY OF CERTAIN CIVIL SERVICE EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 47B, added.

Classification of certain civil service employees.

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-seven A, inserted by chapter one hundred and ninety-five of the acts of nineteen hundred and forty-one, the following new section: — *Section 47B.* Whenever any class of employees in any city or town not already in the classified official or labor service is placed therein by statute or otherwise, the appointing authority of said city or town shall forthwith submit to the director a list of all the employees of said class who are actually in the employ of said city or town at that time. Said list shall state the type and kind of work, the length of service, and the compensation of each person so included and any other information which the director may request.

Every person of said class who has been continuously employed by said city or town for at least six months immediately prior to the date when such class is placed within the classified service shall be included on said list; but no person who has been employed by said city or town for less than six months immediately prior thereto shall be so included.

Upon receipt of said list from the appointing authority of said city or town the director shall cause a copy of the same to be posted in a public place in said city or town for a period of thirty days. At the expiration of said thirty-day period the director shall forthwith classify and fix the seniority of said employees in accordance with said list and shall record said classifications and seniority dates in the permanent records of the division.

If, within ten days after the posting of said list, any person whose rights are alleged to have been affected shall petition the director in writing to establish the correctness thereof, the director shall forthwith hold a public hearing and shall hear all parties concerned and may make such changes in said list as he may deem necessary, but no change shall be made more than thirty days after the posting of said list.

For the purposes of this section, the seniority date of each person classified shall be the date upon which he became a permanent employee of said city or town.

Approved May 19, 1941.

AN ACT FURTHER REGULATING THE NUMBER OF DWELLING
UNITS WHICH MAY BE CONTAINED IN CERTAIN BUILDINGS
ERECTED AND MAINTAINED BY HOUSING AUTHORITIES.

Chap. 291

Be it enacted, etc., as follows:

Section twenty-six BB of chapter one hundred and twenty-one of the General Laws, as inserted by section one of chapter four hundred and eighty-four of the acts of nineteen hundred and thirty-eight, is hereby amended by inserting the following proviso at the end of the first sentence thereof: — ; provided, that, with the approval of the housing board, any building in a housing project of not more than three stories in height which is divided into two or more sections by a fire wall or fire walls, contains a stairway in each section extending from the roof to the ground directly accessible to the occupants of each dwelling unit therein, is built of first class construction, as defined in section two of chapter one hundred and forty-four, and, together with the other buildings on the same project, does not occupy more than thirty per centum of the area thereof, may be designed, erected and maintained with not more than four dwelling units above the second story in each section, although such dwelling units contain in the aggregate more than eight rooms and the only means of egress is as above described, — so as to read as follows:— *Section 26BB.* Except as provided in section twenty-six Q with respect to projects acquired or leased from the federal government, every project of a housing authority shall be subject to all statutes, and all ordinances, by-laws and regulations of the city or town in which it lies, relating to town planning, zoning, the construction and repair of buildings, and the protection of the public health; provided, that, with the approval of the housing board, any building in a housing project of not more than three stories in height which is divided into two or more sections by a fire wall or fire walls, contains a stairway in each section extending from the roof to the ground directly accessible to the occupants of each dwelling unit therein, is built of first class construction, as defined in section two of chapter one hundred and forty-four, and, together with the other buildings on the same project, does not occupy more than thirty per centum of the area thereof, may be designed, erected and maintained with not more than four dwelling units above the second story in each section, although such dwelling units contain in the aggregate more than eight rooms and the only means of egress is as above described. Chapter thirty-one and the rules and regulations made thereunder shall not apply to any officer, agent or employee of a housing authority or of the housing board or to any person employed on or in connection with, any project of a housing authority.

G. L. (Ter.
Ed.), 121,
§ 26BB, etc.,
amended.

Regulation of
number of
dwelling
units in cer-
tain housing
projects.

Approved May 20, 1941.

Chap.292 AN ACT PROVIDING FOR PLACING THE NAMES OF CANDIDATES OF THE TWO LEADING POLITICAL PARTIES FOR CERTAIN STATE OFFICES AT THE HEAD OF THE BALLOT AT STATE ELECTIONS IN PLACES WHERE VOTING MACHINES ARE NOT USED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 54,
§ 42, etc.,
amended.

Ballots, con-
tents, arrange-
ment of names
thereon.

Section forty-two of chapter fifty-four of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section two of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following paragraph: — The names of the candidates for any office to be filled by all the voters of the commonwealth nominated by each of the two political parties which cast the highest and the next highest number of votes for governor at the preceding biennial state election, shall, except in places where voting machines are used, be placed in the first two places on the ballot, under the designation of the office, in alphabetical order according to their surnames, and the names of other candidates for such offices shall follow in such order.

The names of candidates for other state offices, and the names of candidates for county, city and town office, shall, except at elections in places where voting machines are used, be arranged under the designation of the office in alphabetical order according to their surnames, except as city charters otherwise provide in the case of municipal offices; but the names of candidates for different terms of service in the same office shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards. In the case of representatives in congress, the designation may be "congressman". Blank spaces shall be left at the end of the list of candidates for each different office equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. If the approval of any question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Approved May 20, 1941.

Chap.293 AN ACT CHANGING AND MAKING PERMANENT THE LAW AUTHORIZING CO-OPERATIVE BANKS TO MAKE DIRECT-REDUCTION LOANS ON REAL ESTATE AND PROVIDING FOR THE SUSPENSION OF PAYMENTS THEREON BY PERSONS IN THE MILITARY OR NAVAL SERVICE AND OTHERS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 170,
new sections
36A to 36D,
added. —

SECTION 1. Chapter one hundred and seventy of the General Laws is hereby amended by inserting after section

thirty-six, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, the four following new sections under the caption DIRECT-REDUCTION LOANS:—*Section 36A.* Any such corporation may also make loans, to be known as direct-reduction loans, upon improved real estate situated in the commonwealth, the title to which is in the name of the borrower and which is unencumbered by any mortgage or lien other than municipal liens or such mortgages as may be held by the corporation making the loan. All such loans shall be subject to the following provisions:—each such loan shall be evidenced by a promissory note in the full sum loaned, signed by the borrower; each note and mortgage taken hereunder shall contain provisions calling for fixed monthly payments, in the same amount during the term of the loan, which payments shall be first applied to interest and the balance thereafter remaining applied to principal; interest upon each such loan shall be computed monthly on the unpaid balance thereof; the borrower and each subsequent owner of the equity of redemption shall at all times be a member of such corporation, holding one or more unmatured, matured or paid-up shares in his own name; and any mortgage taken hereunder may contain provisions requiring the payment each month of a monthly apportionment of estimated taxes, betterment assessments and insurance premiums, or any of them. Failure to comply with any of the foregoing requirements contained in such a mortgage or note shall constitute a breach of condition for which the unpaid balance of such loan shall become due and payable forthwith at the option of such corporation.

Direct-reduction loans by co-operative banks.

No such loan shall have a term of less than five nor more than twenty years, nor shall such loan exceed eighty per cent of the value of the mortgaged property as certified by the security committee of such corporation. No such loan upon any one parcel of real estate so mortgaged shall exceed ten thousand dollars. The aggregate amount of such loans as to each of which the unpaid balance of principal outstanding is eight thousand dollars or more made by any such corporation shall not at any time exceed five per cent of the aggregate amount of all loans secured by mortgages of real estate held by such corporation.

The aggregate amount of such loans to any one borrower by any such corporation shall not exceed ten thousand dollars or one per cent of the aggregate amount of all loans secured by mortgages of real estate held by such corporation, whichever is greater, but in no event shall such aggregate amount of such loans to any one borrower by any such corporation exceed fifty thousand dollars; provided, that the conditions contained in this paragraph shall not apply to any loan the real estate securing which has been sold to a bona fide purchaser who is deemed by such corporation to be a responsible person and who has agreed in writing with such corporation to assume payment of the note ac-

according to its terms and to comply with and perform the conditions of the mortgage.

Principal
payments.

Section 36B. Any such corporation may accept principal payments in excess of payments required under any mortgage written under section thirty-six A, in which event the directors may reduce the monthly payments as set forth in said mortgage; provided, that such reduced payments shall not extend the original term of the mortgage, except as authorized by section thirty-six D.

Special pro-
visions respect-
ing persons in
military or
naval service.

Section 36C. For the accommodation of any owner of record of the equity of redemption who is actually in military or naval service of the United States, or who is the wife or a dependent member of the family of such a person, or for the accommodation of any owner of record of the equity of redemption who is otherwise temporarily unable to make payments to such corporation on account of his loan because of unemployment or other emergency, the directors of such corporation may suspend or waive so much of the monthly payments as would otherwise be credited to principal, but only for a period not in excess of one year at any one time.

The amount of the loan remaining due as aforesaid shall be payable as provided in the following paragraph with interest payable monthly at the rate existing at the time of the suspension, and shall be subject to such fine as may be prescribed by the by-laws of the corporation and to foreclosure or other remedy provided by law in case of default; provided, that the person seeking such accommodation shall sign a written request therefor stating his reasons and agreeing in consideration thereof to abide fully by the terms of this and the following paragraph and also all requirements of said directors, who shall be the sole judges of the necessity of the accommodation and of the time when such accommodation shall be terminated.

Upon the expiration of the period of accommodation, or of such shorter period as the owner of the equity of redemption may request, unless the amount of the principal payments which were suspended are paid and the fixed monthly payments resumed, or unless the fixed monthly payments have been changed by agreement pursuant to section thirty-six D, said directors shall cause to be computed the monthly payments necessary to effect the payment of the indebtedness at the expiration of the term set forth in the note and mortgage; whereupon said owner of the equity of redemption shall be required to assent in writing to the resumption and increase in the monthly payments. Failure to assent to such resumption and increase when so required shall render said balance immediately due and payable, and payment thereof may be enforced against the security by foreclosure proceedings or by any other remedy provided by law for the collection of debts.

Section 36D. With the approval of the board of directors of any such corporation, at the request of the owner of the equity of redemption and upon a certification of the security committee of such corporation that the then balance of the amount due does not exceed eighty per cent of the value of the mortgaged premises, the amount of the fixed monthly payments called for by any such note and mortgage may be changed; provided, that any such change shall not result in the extension of the term of such loan beyond twenty years from the date of such change; and provided, further, that such change shall be evidenced by an instrument setting forth such change, payments and mortgage extension.

Extension
of term
of loan.

SECTION 2. Chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-five, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-six, chapter two hundred and thirty-three of the acts of nineteen hundred and thirty-seven and chapter one hundred and ninety-nine of the acts of nineteen hundred and thirty-eight, is hereby repealed.

Temporary
act repealed.

Approved May 20, 1941.

AN ACT PROVIDING THAT THE SECTION OF THE NEW STATE HIGHWAY FROM THE BILLERICA-CHELMSFORD LINE TO THE NORTH CHELMSFORD LINE BE KNOWN AS THE LOWELL TURNPIKE HIGHWAY. *Chap. 294*

Be it enacted, etc., as follows:

The section of the new state highway lying between the Billerica-Chelmsford boundary line and the so-called North Chelmsford line shall be known as the Lowell turnpike highway.

Approved May 20, 1941.

AN ACT RELATIVE TO THE APPROVAL BY MUNICIPAL AUTHORITIES OF THE LOCATION OF A RACE TRACK WHERE A RACING MEETING AT WHICH THE PARI-MUTUEL SYSTEM OF WAGERING SHALL BE PERMITTED IS PROPOSED TO BE HELD IN CONNECTION WITH A STATE OR COUNTY FAIR. *Chap. 295*

Be it enacted, etc., as follows:

Section thirteen A of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by chapter one hundred and fifty-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "town" in the tenth line the words: —, except in connection with a state or county fair, — so as to read as follows: — *Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing

G. L. (Ter.
Ed.), 128A,
§ 13A, etc.,
amended.

Approval of
location of
certain race
tracks
required.

meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

Approved May 20, 1941.

Chap. 296 AN ACT AUTHORIZING THE LEASING OF MUNICIPALLY OWNED LANDS FORMERLY HELD UNDER TAX TITLES, AUTHORIZING THE CUSTODIAN OF SUCH LANDS TO EMPLOY ASSISTANTS AND EXTENDING THE PERIOD OF OPERATION OF THE LAW RELATIVE TO THE CARE AND DISPOSAL OF SUCH LANDS.

Emergency
preamble.

Whereas, The provisions of law sought to be extended by this act would, but for this act, shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that said provisions continue in effect without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-eight, as most recently amended in section one by chapter one hundred and twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after section two the two following new sections:— *Section 2A*. If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the board of selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

Section 2B. The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties, and such assistants shall receive as compensation such amounts as may be approved by the mayor or by the board of selectmen.

SECTION 2. Section three of said chapter three hundred and fifty-eight is hereby amended by striking out, in the

second line, the word "three" and inserting in place thereof the word:— nine, — so as to read as follows:— *Section 3.* This act shall become inoperative at the expiration of nine years after its effective date. *Approved May 21, 1941.*

AN ACT RELATIVE TO THE PRINTING OF THE ANNUAL LISTS
CONCERNING PARDONS TRANSMITTED BY THE GOVERNOR
TO THE GENERAL COURT. *Chap. 297*

Be it enacted, etc., as follows:

Section one hundred and fifty-two of chapter one hundred and twenty-seven of the General Laws, as most recently amended by chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by adding at the end of the fourth paragraph the following new sentence:— Any such list of pardons granted during an odd-numbered year, when transmitted to the general court, shall, for the purpose of being printed, be considered by the next general court as having been transmitted to it. *Approved May 21, 1941.*

G. L. (Ter. Ed.), 127, § 152, etc., amended.

Annual lists of pardons.

AN ACT RESTRICTING THE USE OF THE WORD "DAIRY" ON
VEHICLES USED IN THE BUSINESS OF SELLING MILK,
SKIMMED MILK OR CREAM. *Chap. 298*

Be it enacted, etc., as follows:

Section forty of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "height" in the nineteenth line the following new sentence:— No person, other than a producer selling milk or cream, or both, shall display the word "dairy" on any vehicle used by him or his authorized agent in the business of selling milk, skimmed milk or cream, unless such person has a license, in full force and effect, issued under section forty-eight A, — so as to read as follows:— *Section 40.* No person, except a producer selling milk to other than consumers, or selling not more than twenty quarts per day to consumers, shall deliver, exchange, expose for sale or sell or have in his custody or possession with intent so to do any milk, skimmed milk or cream in any town where an inspector of milk is appointed, without obtaining from such inspector a license which shall contain the number thereof, the name, place of business, residence, number of vehicles used by the licensee and the name of each driver or other person employed by him in carrying or selling milk. A license issued to a partnership or corporation shall be issued in the business name of said partnership or corporation and shall contain the names in full of the partners and managers of said partnership or officers of said corporation. The license shall, for the purposes of sections forty to forty-two, inclusive, be conclusive evidence of ownership and

G. L. (Ter. Ed.), 94, § 40, amended.

License to sell milk, etc.

shall not be sold, assigned or transferred. Whoever in such a town, engages in the business of selling milk, skimmed milk or cream from any vehicle shall display conspicuously on the outer side of each vehicle so used, his license number in figures not less than one and one half inches in height, and the name and place of business of the licensee in gothic letters not less than one and one half inches in height. No person, other than a producer selling milk or cream, or both, shall display the word "dairy" on any vehicle used by him or his authorized agent in the business of selling milk, skimmed milk or cream, unless such person has a license, in full force and effect, issued under section forty-eight A. Whoever in such town engages in the business of selling milk, skimmed milk or cream in a store, booth, stand or market place shall have his license conspicuously posted therein.

Approved May 21, 1941.

Chap. 299 AN ACT AUTHORIZING THE TOWN OF WALPOLE TO CONVEY A PORTION OF THE TOWN PARK, SO CALLED, LOCATED IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole is hereby authorized to convey to Elizabeth E. Spear the following parcel of land, being a portion of Town park, so called, located in said town: — Beginning at a concrete bound at the southwest-erly corner of said parcel at land, now or formerly of Horace A. Spear and of the town of Walpole; thence north forty degrees, nine minutes east one hundred and seven feet along land now or formerly of Horace A. Spear to a concrete bound at land now or formerly of Leroy F. Spear; thence south forty-nine degrees, fifty-one minutes east fifty feet on land now or formerly of Leroy F. Spear to a point at land of the town of Walpole; thence south forty degrees, nine minutes west one hundred and seven and twelve one hundredths feet along said land of the town of Walpole to a point at other land now or formerly of said Horace A. Spear; thence north forty-nine degrees, forty-two minutes, twenty-six seconds west fifty feet on land now or formerly of said Horace A. Spear to the point of beginning, said parcel containing fifty-four hundred square feet more or less.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1941.

Chap. 300 AN ACT AUTHORIZING THE CITY OF HOLYOKE TO PAY A SUM OF MONEY TO DOMINIC A. FALCETTI AND VALENTINA FALCETTI IN COMPENSATION FOR DAMAGES SUSTAINED BY REASON OF A CERTAIN LAND TAKING BY SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is hereby authorized to pay to Dominic A. Falcetti and Valentina Falcetti, both of

said city, a sum of not more than two hundred dollars in full compensation for damages sustained by them by reason of the taking by said city, for street widening purposes, of land owned by them.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1941.

AN ACT AUTHORIZING THE TOWN OF FREETOWN TO USE, FOR MAINTENANCE PURPOSES OR IN THE REDUCTION OF THE TAX LEVY, CERTAIN MONEYS RECEIVED FROM THE SALE OF LAND PURCHASED OR TAKEN BY IT FOR NON-PAYMENT OF TAXES. Chap.301

Be it enacted, etc., as follows:

SECTION 1. The town of Freetown is hereby authorized to use a sum not exceeding thirteen thousand dollars now in the town treasury, said sum having been received from the sale of land purchased or taken by it for non-payment of taxes, for maintenance purposes or in reduction of the tax levy, notwithstanding section sixty-three of chapter forty-four of the General Laws; provided, that not more than three thousand dollars shall be used as aforesaid in any one year.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1941.

AN ACT PROVIDING FOR THE INSTALLATION OF A SPRINKLER SYSTEM AT THE HAMPSHIRE COUNTY SANATORIUM AND FOR THE PAYMENT OF THE COST OF SUCH SYSTEM. Chap.302

Be it enacted, etc., as follows:

SECTION 1. For the purpose of installing a sprinkler system at the Hampshire county sanatorium, situated in that portion of the city of Northampton known as Leeds, — the county commissioners of Hampshire county may expend a sum not exceeding twelve thousand dollars. Said sum shall ultimately be repaid by the cities and towns of Hampshire, Franklin and Berkshire counties in the same proportions as are established and set forth for the payment of maintenance expenses of said sanatorium in existing contracts, entered into under section seventy-nine of chapter one hundred and eleven of the General Laws, for the use of said sanatorium for the purpose of guaranteeing adequate hospital provision for tubercular patients residing in said cities and towns: to wit, the cities and towns of Hampshire county, sixty per cent; of Franklin county, twelve per cent; and of Berkshire county, twenty-eight per cent.

SECTION 2. For the purpose of meeting the initial expenditure as aforesaid, the county treasurer of the county of Hampshire, with the approval of the county commissioners, may borrow on the credit of the county such sums

as may be necessary, not exceeding, in the aggregate, twelve thousand dollars, and may issue notes of the county therefor, which shall bear on their face the words, Hampshire County Sanatorium Sprinkler System Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than three years from the date of issue. The notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. To meet payments of principal and interest on account of said notes, each of the counties of Franklin and Berkshire shall, upon the certification to the county commissioners of said county by the county treasurer of Hampshire county of the sum due on account of the cities and towns in their county ultimately liable under section one, pay such sum into the treasury of Hampshire county; and, for the purposes hereof, the sum so required to be paid by each such county shall be treated as tuberculosis hospital maintenance, and the pertinent provisions of section eighty-five of said chapter one hundred and eleven shall apply to the raising, apportioning and collection thereof.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the county commissioners of Hampshire, Franklin and Berkshire counties, but not otherwise.

Approved May 22, 1941.

Chap.303 AN ACT PROVIDING FOR THE CONSTRUCTION OF A CENTRAL HEATING PLANT AT THE HAMPSHIRE COUNTY SANATORIUM AND FOR THE PAYMENT OF THE COST OF SUCH PLANT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing a central heating plant at the Hampshire county sanatorium, situated in that portion of the city of Northampton known as Leeds, the county commissioners of Hampshire county may expend a sum not exceeding thirty thousand dollars. Said sum shall ultimately be repaid by the cities and towns of Hampshire, Franklin and Berkshire counties in the same proportions as are established and set forth for the payment of maintenance expenses of said sanatorium in existing contracts, entered into under section seventy-nine of chapter one hundred and eleven of the General Laws, for the use of said sanatorium for the purpose of guaranteeing adequate hospital provision for tubercular patients residing in said cities and towns: to wit, the cities and towns of Hampshire county, sixty per cent; of Franklin county, twelve per cent; and of Berkshire county, twenty-eight per cent.

SECTION 2. For the purpose of meeting the initial expenditure as aforesaid, the county treasurer of the county of Hampshire, with the approval of the county commissioners, may borrow on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue notes of the county there-

for, which shall bear on their face the words, Hampshire County Sanatorium Central Heating Plant Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from the date of issue. The notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. To meet payments of principal and interest on account of said notes, each of the counties of Franklin and Berkshire shall, upon the certification to the county commissioners of said county by the county treasurer of Hampshire county of the sum due on account of the cities and towns in their county ultimately liable under section one, pay such sum into the treasury of Hampshire county; and, for the purposes hereof, the sum so required to be paid by each such county shall be treated as tuberculosis hospital maintenance, and the pertinent provisions of section eighty-five of said chapter one hundred and eleven shall apply to the raising, apportioning and collection thereof.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the county commissioners of Hampshire, Franklin and Berkshire counties, but not otherwise.

Approved May 22, 1941.

AN ACT RELATIVE TO THE USE OF CERTAIN PARK LAND IN THE TOWN OF BRAINTREE FOR THE ERECTION OF AN ADDITION TO A SCHOOL BUILDING. Chap.304

Be it enacted, etc., as follows:

The town of Braintree is hereby authorized to discontinue the use for park purposes of the park land hereinafter described at Hollis field, and is further authorized to utilize said land for the purpose of erecting thereon an addition to the existing high school building; said land being bounded and described as follows: — Beginning at a point where the easterly boundary of the present high school lot intersects the northerly sideline of Wynot road; thence running by said easterly boundary to the northerly boundary of said high school lot; thence running by a straight line, said line being an extension of said northerly boundary, forty feet; thence by a straight line to a point in the northerly sideline of Wynot road, said point being forty feet easterly in said sideline from the point of beginning; thence turning and running by said sideline of Wynot road to the point of beginning.

Approved May 22, 1941.

AN ACT AUTHORIZING THE COUNTY OF ESSEX TO PAY A SUM OF MONEY TO C. FRANK HATHAWAY OF LYNN. Chap.305

Be it enacted, etc., as follows:

SECTION 1. The county of Essex, after an appropriation has been made therefor, may pay to C. Frank Hathaway

of Lynn the sum of six hundred and fifty dollars in payment for services rendered and expenses incurred by him in representing before the supreme judicial court the board of special commissioners to divide Essex county into representative districts.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of the county of Essex, but not otherwise.

Approved May 22, 1941.

Chap.306 AN ACT PROVIDING FOR THE FORMATION OF MEDICAL SERVICE CORPORATIONS.

Emergency
preamble.

Whereas, This act provides for the preservation of the public health by furnishing medical services at low cost to members of the public who become subscribers of the charitable corporations formed thereunder, and for said purpose it is necessary that such corporations be formed and that participating physicians agree with such corporations to perform the services aforesaid, and such formation and participation will be greatly expedited if this act becomes effective without delay, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

General Laws,
new chapter
176B, inserted.

The General Laws are hereby amended by inserting after chapter one hundred and seventy-six A, as amended, the following new chapter: —

CHAPTER 176B.

MEDICAL SERVICE CORPORATIONS.

Definitions.

Section 1. In this chapter the following words shall have the following meanings:

“Commissioner”, the commissioner of insurance.

“Covered dependent”, a dependent for whose medical care provision is made in a subscription certificate issued by a medical service corporation to a subscriber.

“Dependent”, the spouse, child or foster child of a subscriber, or an adult relative dependent upon the subscriber for his support.

“Medical service”, the medical services ordinarily provided by registered physicians in accordance with accepted practices in the community where the services are rendered.

“Medical service corporation”, a corporation organized as provided by the provisions of this chapter for the purpose of establishing and operating a non-profit medical service plan.

“Non-profit medical service plan”, a plan operated by a medical service corporation under the provisions of this chapter, whereby the cost of medical service furnished to subscribers and covered dependents is paid by the corpora-

tion to participating physicians and to such other physicians as are provided for herein.

"Participating physician", a registered physician who agrees in writing with a medical service corporation to perform medical service for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.

"Registered physician", a physician registered to practice medicine in the commonwealth as provided in section two of chapter one hundred and twelve.

"Subscriber", a person who has subscribed to a non-profit medical service plan and to whom a subscription certificate has been issued in accordance with the provisions of section six.

Section 2. For the purpose of establishing, maintaining and operating a non-profit medical service plan, seven or more persons may form a medical service corporation. Such a corporation shall be formed in the manner prescribed in and subject to section nine of chapter one hundred and fifty-five and sections six and eight to twelve, inclusive, of chapter one hundred and fifty-six, except as follows:

Medical service corporations, organization.

The agreement of association of a corporation having no capital stock may omit the statement of the amount of the capital stock and the par value and number of its shares. The fee to be paid to the state secretary upon the filing of the articles of organization shall be ten dollars.

The articles of organization specified in section ten of said chapter one hundred and fifty-six, with the records and by-laws of the corporation, shall be submitted to the commissioner instead of to the commissioner of corporations and taxation, and he shall have the powers and perform the duties relative thereto specified in section eleven of said chapter one hundred and fifty-six.

The certificate issued by the state secretary under section twelve of said chapter one hundred and fifty-six shall be modified to conform to the requirements of this section.

The commissioner shall not approve the articles of organization of such a corporation until he is satisfied by such examination as he may make and such evidence as he may require, that the incorporators are of good repute and intend in good faith to operate the corporation. He shall execute a certificate of his findings, which shall be attached to the articles of organization prior to the filing thereof with the state secretary.

Approval of commissioner.

Section 3. The by-laws of a medical service corporation may contain any lawful provisions approved by the commissioner and shall provide that a majority of the directors shall at all times be persons approved in writing by a medical society incorporated in the commonwealth not less than ten years and having not less than two thousand registered physicians as members, and that not less than one third of the directors shall be persons who are or who agree to become subscribers to the non-profit medical service plan.

By-laws.

The by-laws of such a corporation may define the qualifications of those persons eligible to become subscribers as provided in section five. Any such corporation may adopt such rules and regulations as may be consistent with the provisions of this chapter.

Contracts
to render
medical
service.

Section 4. Any medical service corporation may enter into contracts with its subscribers and with participating physicians for the rendering of medical service to the subscribers. A contract with a subscriber may provide for the medical care of any dependents of the subscriber named therein. The form of subscription certificate and of agreement with participating physicians, the rates charged by such corporation to the subscribers and the rates at which participating physicians are compensated for their services to the subscribers or to covered dependents, shall at all times be subject to the written approval of the commissioner. Acquisition costs in connection with the solicitation of subscribers and costs of administration shall at all times be limited to such amounts as the commissioner shall approve.

Who may
become
subscribers.

Section 5. Any person residing in the commonwealth shall have the right to become a subscriber of a medical service corporation if his qualifications meet those specified in the by-laws of such corporation, provided that such a corporation may, in its discretion, refuse to issue a subscription certificate to, or upon due notice cancel the subscription certificate of, any person who has made any fraudulent claim or representation to the corporation or to a participating physician, or has been guilty of uncoöperative or unethical dealings with the corporation, or has failed to pay dues and assessments seasonably and promptly or for any other cause which may be approved by the commissioner.

Section 6. A subscription certificate shall be issued to each subscriber of a medical service corporation. No subscription certificate shall be issued unless the commissioner shall have approved in writing the form of certificate nor unless it contains in substance the following provisions:—

(a) A statement of the medical service to be paid for by the corporation, and if any medical service is excepted, a statement of such exception.

(b) A statement of the duration of the agreement and of the terms and conditions upon which it may be extended, renewed, revised, canceled or otherwise terminated.

(c) A statement of the period of grace which will be allowed for making any payment due from the subscriber under the contract, which in any event shall not be less than ten days.

Agreements
with registered
physicians.

Rules and
regulations.

Section 7. Every registered physician shall have the right, on complying with such rules and regulations as the corporation may make, to enter into a written agreement with a medical service corporation, doing business in the city or town where the said physician resides or has his usual place of business, to perform medical service. This chapter shall not change the normal relations between physician

and patient. No restriction shall be placed by any such corporation upon its participating physicians as to methods of diagnosis or of treatment. No officer, agent or employee of a medical service corporation shall influence or attempt to influence a subscriber or a covered dependent in his choice of a participating physician. A subscriber or a covered dependent, subject to the by-laws, rules and regulations of a medical service corporation and the terms and provisions of his subscription certificate, shall be entitled to the benefits of this chapter upon receiving medical service from any participating physician or, in the discretion of the corporation, upon receiving medical service from any non-participating physician in an emergency or when outside the commonwealth. A corporation may terminate its agreement with any participating physician at any time (a) for failure to comply with the reasonable rules and regulations of such corporation, including without limitation such rules and regulations as may be adopted governing the keeping of accounts, records, and statistics, the making of reports and proof of services rendered, or (b) for presenting any fraudulent, unreasonable, or improper claim for payment, or compensation.

Section 8. Every medical service corporation shall annually, on or before the first day of March, file in the office of the commissioner a statement, verified by at least two of the principal officers of said corporation, showing its condition as of the thirty-first day of December next preceding. Such statement shall be in such form and shall contain such matters as the commissioner shall prescribe. A corporation neglecting to file its annual statement within the time herein specified shall forfeit one hundred dollars for each day during which such neglect continues, and upon notice by the commissioner to that effect, its authority to do business shall cease while such default continues.

Annual statement to be filed.

Section 9. The commissioner, or any deputy examiner or any other person designated by the commissioner, shall, at least once in three years, and whenever the commissioner deems it prudent, visit any medical service corporation and examine into its affairs. The commissioner shall have free access to all of the books, records and papers of the corporation, and may summon and examine under oath its officers, agents, employees and other persons in relation to its affairs and condition. The commissioner shall require every such corporation to keep its books, records, accounts and vouchers in such manner that he or his authorized representatives may readily verify its annual statements and determine whether the corporation has complied with the law.

Examination of corporation by department of insurance.

Section 10. The funds of a medical service corporation shall be invested only in such securities as are permitted by chapter one hundred and seventy-five for the investment of the capital of insurance companies, or it may deposit the whole or any portion of its funds in any savings bank or savings department of a trust company organized

Investment of funds of corporation regulated.

under the laws of the commonwealth or a national banking association. It shall have the right to acquire and own real estate to be occupied by itself in the transaction of its business. The commissioner may require any such corporation after the first full calendar year of doing business to accumulate and maintain a special contingent surplus, over and above its reserves and liabilities, in such amount as the commissioner may deem proper.

Payment of
salaries, etc.,
regulated.

Section 11. Unless each such payment is first authorized by a vote of its board of directors, no medical service corporation shall pay any salary, compensation or emolument to any officer, trustee or director thereof, or any salary, compensation or emolument to any person amounting in any year to more than five thousand dollars. No such corporation shall make any agreement with any of its officers, trustees or employees whereby it agrees that for any services rendered or to be rendered to it, they shall receive any salary, compensation or emolument for a period of more than three years from the date of such agreement.

Arbitration
of claims.

Section 12. Any dispute or controversy arising between a medical service corporation and any participating physician, or any subscriber, or any person whose subscription certificate has been canceled or to whom such corporation has refused to issue such certificate may within thirty days after such dispute or controversy arises be submitted by any person aggrieved to a board serving in the division of insurance and consisting of the commissioner or a person designated by him, the chairman of the board of registration in medicine or any person designated by him, and the attorney general or a person designated by him, for its decision with respect thereto. All decisions and orders of the board or of the commissioner made under any provision of this chapter may be revised as justice and equity may require upon a petition in equity filed, within ten days after the promulgation of such decision or order in the superior court within and for the county of Suffolk by any party aggrieved by such decision or order.

Corporation
may be en-
joined from
doing business
when insol-
vent, etc.

Section 13. If the commissioner is satisfied, as to any medical service corporation, that (1) it has failed to comply with the provisions of its charter, or (2) it is being operated for profit, or (3) it is fraudulently conducted, or (4) its condition is such as to render its further transaction of business hazardous to the public or to its subscribers, or (5) its officers and agents have refused to submit to an examination under section nine, or (6) it has exceeded its powers, or (7) it has violated any provision of law, or (8) it has compromised, or is attempting to compromise, with its creditors on the ground that it is financially unable to pay its claims in full, or (9) it is insolvent, he may apply to the supreme judicial court for an injunction restraining it from further proceeding with its business. The court may forthwith issue a temporary injunction restraining the transaction of any business, and it may, after a full hearing, make the in-

junction permanent, and appoint one or more receivers to take possession of the books, papers, moneys and other assets of the corporation, settle its affairs, and distribute its funds to those entitled thereto, subject to such rules and orders as the court may prescribe.

Section 14. Every medical service corporation is hereby declared to be a charitable corporation. No such corporation shall be liable for injuries resulting from negligence or malpractice on the part of any participating physician or of any of its employees, nor shall it be liable for the cost of medical services to which the subscriber or covered dependent may be entitled under the provisions of any workmen's compensation law. Every such corporation shall be exempt from all provisions of the insurance laws of the commonwealth, except as otherwise provided in this chapter. The property of every such corporation shall, except as hereinafter provided, be exempt from all state and local taxes.

Liability of corporation limited.

Section 15. Every corporation subject to this chapter shall annually, on or before March first, make a return to the commissioner of corporations and taxation, signed and sworn to by a majority of its board of directors, of the total amount of subscription dues paid by subscribing members during the preceding calendar year, and shall pay to said commissioner an excise of one per cent upon the amount of such dues. If said corporation neglects to make such return, it shall forfeit fifty dollars for each day such neglect continues.

Annual return to commissioner of corporations and taxation.

Section 16. It shall be unlawful for any person, firm, corporation or association, except a medical service corporation, to establish, maintain or operate a non-profit medical service plan; provided, however, that this chapter shall not render unlawful or affect any operation or activity of any company organized under the provisions of chapter one hundred and seventy-five, of any society or fraternal benefit society organized under the provisions of chapter one hundred and seventy-six or subject to any of the provisions thereof, of any non-profit hospital service or medical service corporation organized under the provisions of chapter one hundred and seventy-six A or one hundred and seventy-six C, or of any corporation organized or to be organized under chapter one hundred and eighty, the existence, purposes, activities and operations of which were lawful or would be lawful notwithstanding the provisions of this chapter.

Non-profit medical service plans to be operated by medical service corporations only.

Exceptions.

Section 17. The provisions of this chapter may be enforced by a bill in equity brought in the supreme judicial court by the commissioner, the attorney general, or any district attorney.

Enforcement of provisions of law.

Approved May 22, 1941.

Chap.307 AN ACT ESTABLISHING THE COMPENSATION OF MEMBERS OF THE GENERAL COURT AND PROVIDING AN ALLOWANCE TO SAID MEMBERS TO MEET EXPENSES INCURRED BY THEM AS SUCH MEMBERS DURING THE SECOND YEAR OF THE TERM FOR WHICH THEY ARE ELECTED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 3, § 9, etc., amended.

Compensation of members of the general court.

SECTION 1. Chapter three of the General Laws is hereby amended by striking out section nine, as amended by section one of chapter two hundred and thirty-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following:— *Section 9.* Each member of the general court shall receive, for the regular session, twenty-five hundred dollars, and also four dollars and twenty cents for every mile of ordinary traveling distance from his place of abode to the place of sitting of the general court. The president of the senate and the speaker of the house of representatives shall each receive twenty-five hundred dollars additional compensation. Each member of the general court shall be entitled to be paid his compensation for such regular session at the rate of two hundred dollars for each full month of the session. Such payments shall be made to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the day preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer, in his discretion, may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request therefor, but the amount of such additional payments shall not exceed, in the aggregate, three hundred dollars in any one such session, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

Each member shall receive, for the second year of the term for which he is elected, five hundred dollars as an allowance to meet expenses incurred by him as such member while the general court is in recess, and said allowance shall be paid in full during the month of January of said second year.

Temporary provisions.

SECTION 2. The compensation established by this act shall be allowed from January first of the current year.

Approved May 22, 1941.

Chap.308 AN ACT RELATIVE TO THE COLLECTION OF TAXES WHEN A COLLECTOR CEASES TO HOLD HIS OFFICE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 13, etc., amended.

Chapter sixty of the General Laws is hereby amended by striking out section thirteen, as most recently amended by

chapter forty-four of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:—*Section 13.* The collector shall, before the commitment to him of any taxes of any year, or, if he is a city or town collector under section thirty-eight A of chapter forty-one, before such commitment or the collection of any other accounts due his city or town and not included within the provisions of a bond previously given by him and still in force, give a bond or bonds for the faithful performance of his duties in all capacities in which he is acting as collector either in the collection of taxes or of such other accounts, including a bond, which shall be separate, in respect to uncollected accounts, if any, turned over to him by the assessors under section ninety-seven. Each bond given under this section shall be in a form approved by the commissioner and in such sum or sums, not less than the amount or amounts established by the commissioner, as shall be fixed by the selectmen or mayor and aldermen. A copy of each such bond shall be delivered to the commissioner. If the collector does not give bond or bonds as herein required, the selectmen or mayor and aldermen may declare the office vacant and the vacancy may be filled in the manner prescribed by section forty or sixty-one A of chapter forty-one, as the case may be.

Bond of collector.

Approved May 23, 1941.

AN ACT PROVIDING FOR A FOURTH ASSISTANT CLERK AND AN ADDITIONAL COURT OFFICER FOR THE MUNICIPAL COURT OF THE ROXBURY DISTRICT.

Chap. 309

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter two hundred and eighteen of the General Laws, as most recently amended by section one of chapter two hundred and twenty-two of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 218, § 10, etc., amended.

A fourth assistant clerk with salary payable by the county may be appointed in the municipal court of the Roxbury district.

Fourth assistant clerk for Roxbury district.

SECTION 2. Section seventy-nine of said chapter two hundred and eighteen, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words "and third" and inserting in place thereof the following:—, third and fourth, — and by adding at the end the following new sentence:—The salary of the fourth assistant clerk of the municipal court of the Roxbury district shall be forty-five per cent of the salary of the clerk of said court, — so as to read as follows:—*Section 79.* In courts in which the salaries of justices are fixed by the preceding section, the salaries of clerks shall be equal to seventy-five per cent of the salaries established for the justices of their respective courts; and the salaries of assistant clerks,

G. L. (Ter. Ed.), 218, § 79, amended.

Classified salaries of clerks and assistant clerks.

other than second, third and fourth assistant clerks, shall be equal to seventy-five per cent, and the salaries of second assistant clerks shall be equal to sixty per cent, and the salaries of third assistant clerks shall be equal to forty-five per cent, of the salaries of the clerks of their respective courts. The salary of the fourth assistant clerk of the municipal court of the Roxbury district shall be forty-five per cent of the salary of the clerk of said court.

G. L. (Ter. Ed.), 218, § 62, etc., amended.

Court officers, number of, regulated.

SECTION 3. Section sixty-two of said chapter two hundred and eighteen, as most recently amended by chapter three hundred and five of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the ninth line, the word "four" and inserting in place thereof the word:—five,—so as to read as follows:—*Section 62.* In the municipal court of the city of Boston the court officers appointed shall not exceed ten for criminal business, one of whom shall be designated by the chief justice as chief court officer of said court for criminal business and one as an assistant chief court officer, nor five for civil business, one of whom shall be designated by said chief justice as chief court officer of said court for civil business; in the municipal court of the Roxbury district five court officers may be appointed; in the third district court of Eastern Middlesex and in the municipal court of the West Roxbury district three court officers may be appointed; in the municipal court of the South Boston district, of the Charlestown district and of the Dorchester district, the East Boston district court, the district court of Chelsea and the district court of East Norfolk two court officers for each court may be appointed; and in each of the other district courts in the commonwealth one court officer may be appointed.

Approved May 23, 1941.

Chap. 310 AN ACT RELATING TO THE MERGER OR TRANSFER OF THE MEMBERSHIP OR FUNDS OF CERTAIN FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 176, § 12, amended.

Merger or transfer.

Section twelve of chapter one hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—No domestic society shall merge with or accept the transfer of the membership or funds of any other society, unless ninety days' notice of the proposed merger or transfer shall have been given the commissioner, who, within such period, shall make such recommendations to each of said societies as he deems necessary, which recommendations shall be presented to and considered by the members of the supreme legislative or governing body of each of said societies. Such merger or transfer shall be evidenced by a written contract, setting out in full the terms and conditions of the merger

or transfer, and shall be filed with the commissioner, together with a sworn statement by the president and secretary, or corresponding officers, of each of said societies of its financial condition, and a sworn certificate of the said officers of each of the contracting societies that the merger or transfer has been approved by a vote of two thirds of the members of the supreme legislative or governing body of each of said societies.

Approved May 23, 1941.

AN ACT FURTHER REGULATING THE SALE OF MOTOR FUEL AND LUBRICATING OILS. Chap.311

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by striking out section two hundred and ninety-five G, as inserted by section one of chapter four hundred and fifty-nine of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:—

Section 295G. No person shall sell or offer to sell as gasoline any motor fuel or other substance which has an end point higher than four hundred and thirty-seven degrees Fahrenheit, when tested according to such standard methods as may, from time to time, be prescribed by order, rule or regulation under section two hundred and ninety-five I.

No person shall adulterate or permit the adulteration of any motor fuel or lubricating oil offered for sale or sold under a brand name or trade-mark or distinguishing mark of the manufacturer or distributor of said products, or substitute or permit the substitution of any other motor fuel or lubricating oil therefor. No person shall sell or dispense, or offer to sell or dispense, from any pump, tank or other dispensing device or container any motor fuel or lubricating oil other than that indicated by the name, trade name, trade-mark, symbol, sign or other distinguishing mark of the manufacturer or distributor of said product, if any, appearing on said pump, tank or other dispensing device or container.

Approved May 23, 1941.

G. L. (Ter. Ed.), 94, § 295G, etc., amended.

Sale of motor fuel and lubricating oils regulated.

AN ACT REQUIRING THAT NOTICES OF SUSPENSION OF LICENSES TO OPERATE MOTOR VEHICLES BECAUSE OF THE IMPROPER OPERATION THEREOF SHALL SPECIFY THE TIME AND PLACE OF SUCH IMPROPER OPERATION. Chap.312

Be it enacted, etc., as follows:

Section twenty-two of chapter ninety of the General Laws, as most recently amended by chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting at the end of the first sentence of the provisions added by said chapter one hundred and ninety-one the words:—, and such notice, in case of the suspension of a license to operate a motor vehicle because of the improper operation thereof, shall specify

G. L. (Ter. Ed.), 90, § 22, etc., amended.

Notices of suspension of licenses to operate motor vehicles.

the time and place of such improper operation, — so that said sentence will read as follows:— Upon the suspension or revocation of any license or registration the registrar shall forthwith send written notice thereof to the licensee or registrant as the case may be, and such notice, in case of the suspension of a license to operate a motor vehicle because of the improper operation thereof, shall specify the time and place of such improper operation.

Approved May 23, 1941.

Chap.313 AN ACT CHANGING THE NAME OF THE BOSTON ECCLESIASTICAL SEMINARY TO ST. JOHN'S SEMINARY AND AUTHORIZING THE GRANTING OF CERTAIN ADDITIONAL DEGREES BY SAID SEMINARY.

Be it enacted, etc., as follows:

SECTION 1. The name of The Boston Ecclesiastical Seminary, a corporation created by chapter one hundred and fifteen of the acts of eighteen hundred and eighty-three, is hereby changed to St. John's Seminary.

SECTION 2. Said St. John's Seminary shall possess all of the powers and privileges heretofore granted by said chapter one hundred and fifteen, together with the power to grant such degrees, in addition to those already authorized by said chapter, as are appropriate to the several courses of study now or hereafter pursued in said seminary and such honorary degrees as shall be appropriate to the purposes of its charter, and acts in amendment thereof and in addition thereto.

Approved May 23, 1941.

Chap.314 AN ACT FURTHER REGULATING THE LENGTH OF CERTAIN MOTOR VEHICLES AND TRAILERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 19, etc., amended.

Dimensions of motor trucks and trailers.

Chapter ninety of the General Laws is hereby amended by striking out section nineteen, as most recently amended by section one of chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section:— *Section 19.* No motor vehicle or trailer, the outside width of which is more than ninety-six inches or the extreme over-all length of which is more than thirty-three feet or, in the case of a motor bus, thirty-five feet, shall be operated on any way without a special permit so to operate from the board or officer having charge of such way or, in case of a state highway or a way determined by the department of public works to be a through route, from said department; provided, that such width may be exceeded by the lateral projection of pneumatic tires beyond the rims of the wheels for such distance on either side of the vehicle or trailer as will not increase its outside width above one hundred and two inches; and provided, further, that the extreme over-all

length of a semi-trailer unit, wherever used, may exceed thirty-three feet but not forty feet, and that such length of any other motor vehicle, or any trailer, when used for the transportation of poles or single units of lumber or metal, may exceed thirty-three feet but not sixty feet, except as authorized by a special permit granted as aforesaid. The aforesaid dimensions of width and length shall be inclusive of the load. No trailer having a carrying capacity of more than one thousand pounds, other than a semi-trailer, or a heavy duty platform trailer used for purposes other than the transportation of goods, wares and merchandise, or a trailer used solely for the transportation of horses by the owner of such horses under a special permit hereby authorized to be granted to such owner by the department of public works, shall be operated or drawn on the ways of the commonwealth; provided, that a trailer having a carrying capacity of more than one thousand pounds may be operated or drawn upon any way for a distance not exceeding one half mile, if said trailer is used exclusively for agricultural purposes, or for a distance not exceeding three hundred yards, if such trailer is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such trailer to other property so owned or occupied. No motor vehicle shall be operated on any way to draw more than one trailer or other vehicle.

Approved May 23, 1941.

AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO PAY CERTAIN BILLS OF THE YEAR NINETEEN HUNDRED AND THIRTY-FIVE. *Chap. 315*

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville is hereby authorized to appropriate money for the payment of, and to pay, subject to the provisions of this act, such of the unpaid bills against the city as are included as deferred accounts of the year nineteen hundred and thirty-five in the amended report of the auditor of said city, a copy of which is on file in the office of the director of accounts in the department of corporations and taxation. For the purpose aforesaid, said city may borrow, from time to time, within a period of two years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, two hundred thousand dollars, and may issue bonds or notes of the city therefor, which shall bear on their face the words, Somerville Funding Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates, but no issue shall be authorized under this act unless a sum equal to twenty-five cents on each one thousand dollars of the assessed valuation of said city for the preceding year has been voted for the same purpose to be raised by the tax levy of the year

when authorized. Indebtedness under this act shall be inside the statutory limit, and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. No bill shall be approved by the city auditor for payment or paid by the city treasurer under authority of this act unless and until certificates have been signed and filed with said auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved May 26, 1941.

**Chap.316 AN ACT PROVIDING FOR THE FUNDING OF A REVENUE DEFICIT
BY THE CITY OF MARLBOROUGH.**

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough, for the purpose specified in section two of this act, may borrow in the current year a sum not exceeding twenty thousand dollars and issue bonds or notes of the city therefor, which shall bear on their face the words, Marlborough Deficiency Loan, Act of 1941. Said bonds or notes shall be paid in not more than five years from their dates. Indebtedness incurred under this act shall be inside the statutory limit of indebtedness and be subject to the provisions of chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

SECTION 2. The amount borrowed under authority of section one shall be used for meeting a revenue deficit caused by an over-estimate of receipts in determining the tax rate in the year nineteen hundred and forty.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1941.

**Chap.317 AN ACT TO AUTHORIZE LOCAL HOUSING AUTHORITIES TO
ENGAGE IN DEFENSE HOUSING DURING THE PRESENT
EMERGENCY.**

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize local housing authorities to co-operate with the federal government in

providing, operating and maintaining housing for persons engaged in national defense activities, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Until the president of the United States shall have declared that the emergency declared by him on September eighth, nineteen hundred and thirty-nine, to exist, has ceased to exist, housing authorities now existing or hereafter created pursuant to section twenty-six L of chapter one hundred and twenty-one of the General Laws, or corresponding provisions of earlier laws, may, notwithstanding any limitations or conditions in sections twenty-six I to twenty-six HH, inclusive, of said chapter one hundred and twenty-one, co-operate with the federal government, which term in this act shall include any agency or instrumentality thereof, in providing, operating and maintaining housing for persons engaged in national defense activities, which term in this act shall include (1) enlisted men in the naval or military services of the United States; (2) employees of the United States in the navy or war departments assigned to duty at naval or military reservations, posts or bases; and (3) workers engaged or to be engaged in industries connected with and essential to the national defense. Such co-operation may consist of consultation and advice, of assistance by acting as intermediary between the federal government and a municipal government, of operating and managing housing constructed or owned or leased by the federal government, either through agency, contract, lease or purchase, of constructing housing in whole or in part through grants from the federal government or as an agency of the federal government and either operating and managing such housing or turning it over to the federal government for operation and management, of selling a housing project wholly or partly completed to the federal government, or of acting in any other manner in accordance with the laws of the United States relating to housing for persons engaged in national defense activities. Nothing in this section shall be construed to financially obligate the commonwealth.

SECTION 2. The provisions of said sections twenty-six I to twenty-six HH, inclusive, so far as they relate to the regulation, control and approval of the state board of housing with respect to the acts of housing authorities shall apply to all action taken by such authorities under section one of this act.

SECTION 3. The housing authority in a city or town, with the approval of the state board of housing, may enter into an agreement with such city or town, for the payment of annual sums in lieu of taxes with respect to real property acquired and held by such housing authority under any provision of this act, including the buildings thereon. The

amount so paid for any year upon any such property shall not exceed the taxes that would be paid under the laws of this commonwealth upon such property if it were not exempt from taxation.

SECTION 4. When the president of the United States shall have declared that the emergency declared by him on September eighth, nineteen hundred and thirty-nine, to exist, has ceased to exist, any housing acquired and held by housing authorities under section one shall, if the state board of housing shall determine that there is need therefor, thereafter be held and used as housing for persons in the service or the employ of the war department or the navy department of the United States; or, if said state board shall determine that there is need therefor, shall thereafter be held and used as low-rent housing for families of low income, and the provisions of said sections twenty-six I to twenty-six HH, inclusive, shall, so far as apt, be applicable to such housing. If said state board shall determine that such housing is not needed for either of the foregoing purposes, it shall be disposed of on as advantageous terms as possible.

SECTION 5. Any vote, action, contract or other act taken or entered into by the state board of housing or a housing authority subsequent to the declaration of the president of the United States on September eighth, nineteen hundred and thirty-nine, that an emergency exists, which would have been valid if this act had been in force when taken or entered into is hereby ratified and confirmed, to the same extent as if this act had then been in force.

Approved May 26, 1941.

Chap. 318 AN ACT PERMITTING MILITARY CONVOY VEHICLES TO BE DRIVEN THROUGH INTERSECTIONS OF WAYS CONTRARY TO TRAFFIC SIGNS OR SIGNALS THEREAT IN CERTAIN CASES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prepare with the utmost expedition for national defense in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 33,
§ 47, etc.,
amended.

Right of way
for military
vehicles.

Chapter thirty-three of the General Laws is hereby amended by striking out section forty-seven, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 47.* United States troops, and any part of the organized militia parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass, and drivers of vehicles in a military convoy, consisting of five or more vehicles, may drive such vehicles through an intersection of ways contrary to any traffic signs

or signals regulating traffic at such intersection if a police officer or duly authorized member of the military service is then stationed at such intersection to regulate traffic; provided, that the carriage of the United States mails, the legitimate functions of the police, and the progress and operation of fire departments shall not be interfered with thereby.

Approved May 26, 1941.

AN ACT RELATING TO PROCEEDINGS IN THE LAND COURT FOR
THE FORECLOSURE OF TAX TITLES. Chap. 319

Be it enacted, etc., as follows:

SECTION 1. Section fifty of chapter sixty of the General Laws, as most recently amended by section two of chapter ninety-three of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting after the word "assignment" in the nineteenth line the following new sentence: — The tax title account hereby required to be kept, or a duly authenticated copy thereof, shall be prima facie evidence of all facts essential to the determination of the amount necessary for redemption., — so as to read as follows: — *Section 50.* If the town becomes the purchaser, the deed to it, in addition to the statements required by section forty-five, shall set forth the fact that no sufficient bid was made at the sale or that the purchaser failed to pay the amount bid, as the case may be, and shall confer upon such town the rights and duties of an individual purchaser. Every such deed and every instrument of taking described in section fifty-four shall be in the custody of the town treasurer, and there shall be set up on the books of the town, whether kept by the treasurer or otherwise, a separate account of each parcel of land covered by any such deed or instrument, to which shall be charged the amount stated in the deed or instrument, the cost of recording the same, and, upon certification in accordance with section sixty-one, all uncollected taxes assessed to such parcel for any year subsequent to that for the taxes for which such parcel was purchased or taken, with all legal costs and charges thereon, including interest accrued up to the date of such certification, until redemption, foreclosure or assignment. The tax title account hereby required to be kept, or a duly authenticated copy thereof, shall be prima facie evidence of all facts essential to the determination of the amount necessary for redemption. The town treasurer shall institute proceedings for foreclosure as soon as such proceedings are authorized by sections sixty-two and sixty-five. The commissioner may at his discretion institute proceedings in the name of the treasurer in the event that such proceedings are not instituted by the treasurer. Any expense incurred by the commissioner hereunder shall be assessed against the city or town and collected in the same manner as expenses for auditing municipal accounts under the provisions of section forty-one of chapter forty-four.

G. L. (Ter.
Ed.), 60,
§ 50, etc.,
amended.

Tax deeds to
city or town.
Foreclosures.

G. L. (Ter.
Ed.), 60, § 71,
amended.

Jury trial,
claim.

Effect of act
in certain
cases.

Effective
date.

SECTION 2. Section seventy-one of said chapter sixty, as appearing in the Tercenary Edition, is hereby amended by striking out, in the first and second lines, the words "within ten days after filing his answer" and inserting in place thereof the following: — on or before the return day, or within such further time as may on motion be allowed by the court, — so as to read as follows: — *Section 71.* Any party may claim a jury trial on or before the return day, or within such further time as may on motion be allowed by the court, but unless so claimed the right to jury trial shall be deemed to be waived. Upon such a claim issues shall be framed therefor in accordance with the practice in the land court.

SECTION 3. This act shall apply in any case where the tax deed or instrument of taking referred to in section fifty of chapter sixty of the General Laws, as amended by section one hereof, was executed prior or subsequent to the time when this act takes effect.

SECTION 4. This act shall take effect on September first, nineteen hundred and forty-one.

Approved May 26, 1941.

Chap. 320 AN ACT AUTHORIZING THE ADOPTION AND AMENDMENT OF ZONING ORDINANCES AND BY-LAWS UPON THE FAILURE OF PLANNING BOARDS, ZONING BOARDS OR SELECTMEN TO FILE CERTAIN REPORTS IN RELATION THERETO.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 40,
§ 27, etc.,
amended.

Modification
of by-laws, etc.

Chapter forty of the General Laws is hereby amended by striking out section twenty-seven, as appearing in section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following section: — *Section 27.* Such ordinances or by-laws may be adopted and from time to time be changed by amendment, addition or repeal, but only in the manner hereinafter provided. No ordinance or by-law originally establishing the boundaries of the districts or the regulations and restrictions to be enforced therein, and no ordinance or by-law changing the same as aforesaid, shall be adopted until after the planning board, if any, or, in a town having no such board, the board of selectmen, has held a public hearing thereon after due notice given and has submitted a final report with recommendations to the city council or town meeting, or until twenty days shall have elapsed after such hearing without the submission of such report; provided, that, in case of a proposed ordinance or by-law originally establishing the boundaries of the districts or the regulations and restrictions to be enforced therein, it shall be sufficient if a public hearing is held and a final report with recommendations is submitted by a zoning board appointed for the purpose by the city council or selectmen or twenty days elapse after such hearing without such re-

port being submitted. No such ordinance as proposed to be originally established or changed as aforesaid shall be adopted until after the city council or a committee designated or appointed for the purpose by it has held a public hearing thereon, at which all interested persons shall be given an opportunity to be heard. At least twenty days' notice of the time and place of such hearing before the city council or committee thereof shall be published in an official publication, or a newspaper of general circulation, in the municipality. After such notice, hearings and report, or lapse of time without report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. No change of any such ordinance or by-law shall be adopted except by a two thirds vote of all the members of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two thirds vote of a town meeting; provided, that in case there is filed with the city clerk prior to the close of the first hearing before the city council or committee thereof a written protest against such change, stating the reasons, duly signed by the owners of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent, extending three hundred feet therefrom, or of the area of other land within two hundred feet of the land proposed to be included in such change, no such change of any such ordinance shall be adopted except by a unanimous vote of all the members of the city council, whatever its form, if it consists of less than nine members or, if it consists of nine or more members, by a three fourths vote of all the members thereof where there is a commission form of government or a single branch, or of each branch where there are two branches.

When such by-laws or any changes therein are submitted to the attorney general for approval as required by section thirty-two, there shall also be furnished to him a statement explaining clearly the by-laws or changes proposed, together with maps or plans, when necessary.

Approved May 26, 1941.

AN ACT RELATIVE TO THE WATER SUPPLY OF THE AMHERST WATER COMPANY, AND ITS PURCHASE AND OPERATION BY THE TOWN OF AMHERST. *Chap. 321*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and ninety-eight of the acts of nineteen hundred and three is hereby amended by striking out section six, as amended by section one of chapter seven hundred and six of the acts of nineteen hundred and fourteen, and inserting in place thereof the following section:— *Section 6.* Said town, for the purpose of paying the necessary expenses and liabilities incurred or to

be incurred under this act, and chapter one hundred and seventy-nine of the acts of eighteen hundred and eighty and all acts in amendment thereof and in addition thereto, other than expenses of maintenance and operation, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the amount that may be borrowed under authority of section eight of chapter forty-four of the General Laws, as amended, for water supply purposes; or, if the compensation to be paid shall be determined by the department of public utilities as provided in section five of chapter one hundred and ninety-eight of the acts of nineteen hundred and three, as amended and as affected by section five of chapter one hundred and sixty-five of the General Laws, then said town may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the sum determined upon by said department. Such bonds or notes shall bear on their face, the words, Town of Amherst Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 2. Said chapter one hundred and ninety-eight is hereby further amended by striking out section seven and inserting in place thereof the following section:— *Section 7.* Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section six; and, when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 3. Section nine of said chapter one hundred and ninety-eight is hereby repealed, but such repeal shall not affect any act done, ratified or confirmed, any liability incurred or any right accruing or established before this repeal takes effect.

SECTION 4. Said chapter one hundred and ninety-eight is hereby further amended by striking out section eight and inserting in place thereof the following section:— *Section 8.* The selectmen of said town shall serve as water commissioners until the qualification of water commissioners elected at the annual town meeting of said town in nineteen hundred and forty-two or at such later date, if any, as the town may elect water commissioners, as hereinafter provided. Whenever the phrase "said board of water commissioners" or "said board" or "said commissioners" occurs in this act it shall mean and include the board of water commissioners or the selectmen acting as such, as the case

may be. Said town may, at the annual town meeting in nineteen hundred and forty-two, or at such later date, if any, as it may vote, at a town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at the annual town meeting held on the day on which the shortest of such terms expires, and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, except sections six, seven and eight A, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water commissioners under authority of this section, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual town meeting of said town or until another person is qualified.

SECTION 5. Said chapter one hundred and ninety-eight is hereby further amended by inserting after section eight the following new section: — *Section 8A.* Said commissioners shall fix just and equitable prices and rates for the use of water, subject to the approval of said town, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to section eight. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of the receipts and expenditures.

SECTION 6. This act shall take effect upon its passage.

Approved May 26, 1941.

Chap. 322 AN ACT RELATING TO INSURANCE ON THE LIVES OF JUVENILE MEMBERS OF FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 176, § 24,
amended.

Section twenty-four of chapter one hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "hundred" in the seventh line the following: — ; provided, that a society which has so put in force at least five hundred certificates on each of which at least one assessment has been paid may, during the year after first putting in force said number of certificates, continue to issue certificates notwithstanding withdrawals reducing the number of certificates in force to less than five hundred, if the number of such certificates does not remain below five hundred for a period exceeding ninety days, — so as to read as follows:

Medical
examination
of children.

— *Section 24.* No death benefit certificate as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the by-laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificates falls below five hundred; provided, that a society which has so put in force at least five hundred certificates on each of which at least one assessment has been paid may, during the year after first putting in force said number of certificates, continue to issue certificates notwithstanding withdrawals reducing the number of certificates in force to less than five hundred, if the number of such certificates does not remain below five hundred for a period exceeding ninety days. The death benefit contributions to be made upon such certificate shall be based upon the Standard Industrial Mortality Table or the English Life Table Number Six, with a rate of interest not greater than four per cent per annum, or upon a higher standard; provided, that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws; and provided, further, that extra contributions shall be made if the reserves provided for in the following section become impaired. Such a society may grant to the holder of such a certificate such extended or paid-up protection or such withdrawal equities as its constitution and by-laws may provide, but in no case to exceed in value the reserve held against the individual certificate.

Approved May 26, 1941.

AN ACT RELATIVE TO CERTAIN PROCEEDINGS IN THE PROBATE COURT WITH RESPECT TO ANY PERSON SUSPECTED OF HAVING FRAUDULENTLY RECEIVED, CONCEALED, EMBEZZLED OR CONVEYED AWAY PROPERTY OF A DECEASED PERSON. *Chap.323*

Be it enacted, etc., as follows:

SECTION 1. Section forty-four of chapter two hundred and fifteen of the General Laws, as appearing in the Tercenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — The examination shall be had and recorded in such manner as the court shall direct, and the final record shall be signed by the party examined.

G. L. (Ter. Ed.), 215, § 44, amended.

Examination to be recorded.

SECTION 2. This act shall take effect on October first in the current year.

Effective date.

Approved May 26, 1941.

AN ACT RELATING TO THE ADMISSIBILITY AS EVIDENCE OF REPORTS OF EXAMINATIONS OF INSURANCE COMPANIES MADE BY THE COMMISSIONER OF INSURANCE. *Chap.324*

Be it enacted, etc., as follows:

Section four of chapter one hundred and seventy-five of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section four of chapter four hundred and seventy-two of the acts of nineteen hundred and thirty-nine, and inserting in its place the following paragraph: —

G. L. (Ter. Ed.), 175, § 4, etc., amended.

A report of an examination of any company made under this section may, as far as material and relevant, be admitted, in the discretion of the court, in any judicial proceeding brought by or in behalf of the commissioner, as prima facie evidence of the facts stated in such report; but nothing in this paragraph shall be construed to require the commissioner to make an examination under this section before bringing such a proceeding.

Reports of examination admissible as evidence.

Approved May 26, 1941.

AN ACT PROVIDING FOR THE REMOVAL OF A PERMANENT GUARDIAN OF AN INSANE PERSON. *Chap.325*

Be it enacted, etc., as follows:

Chapter two hundred and one of the General Laws is hereby amended by inserting after section thirteen, as amended, the following new section: — *Section 13A.* Two or more relatives or friends of an insane person, or the mayor and aldermen of a city or the selectmen of a town in which he is an inhabitant or resident, or the department of mental health, may file a petition for the removal of a guardian of such insane person.

G. L. (Ter. Ed.), 201, new section 13A, added.

Petitions for removal of guardians of insane persons.

Approved May 26, 1941.

Chap.326 AN ACT RELATIVE TO THE INTEREST RATE TO BE USED IN THE VALUATION OF LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 9, amended.

SECTION 1. Section nine of chapter one hundred and seventy-five of the General Laws is hereby amended by striking out clause Second, as appearing in the Tercentenary Edition, and inserting in place thereof the following clause: —

Interest rate in determining valuation of insurance policies.

Second, The net value on the last day of December of the preceding year of all outstanding policies of life insurance issued after the last day of December, nineteen hundred, shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three and one half per cent per annum; but any life company may at any time elect to reserve upon a three per cent or two and one half per cent basis, and thereupon its policies issued upon such reserve shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three per cent or two and one half per cent per annum, as the case may be, and any life company receiving premiums by weekly payments may elect for such weekly payment business or any portion thereof to reserve upon any table showing a higher rate of mortality approved by the commissioner.

G. L. (Ter. Ed.), 175, § 9, further amended.

SECTION 2. Said section nine of said chapter one hundred and seventy-five is hereby further amended by striking out clause Fourth, as so appearing, and inserting in place thereof the following clause: —

Extra reserves may be established.

Fourth, When, from reports filed with him or from other evidence the commissioner is satisfied that a company is assuming risks that cannot be properly measured by the mortality tables specified in this section, he may compute such extra reserve as in his judgment is warranted by the extra hazard assumed, and he may further in his discretion prescribe such table or tables of mortality, other than those specified by this section, as he may deem necessary properly to measure such additional risks, with interest at not less than two and one half per cent per annum, for the computation of the net value upon any special class or classes of risks.

Approved May 26, 1941.

Chap.327 AN ACT RELATIVE TO MENTAL AND PHYSICAL EXAMINATIONS OF DELINQUENT CHILDREN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 119, § 58A, etc., amended.

Chapter one hundred and nineteen of the General Laws is hereby amended by striking out section fifty-eight A, as amended by section six of chapter one hundred and ninety-four of the acts of the current year, and inserting in place thereof the following: — *Section 58A.* Prior to the commitment, by way of final disposition to any public institution or to the department, of a child adjudged to be a delinquent child, the court may cause such child to receive thorough

Examination of children before commitment as delinquents.

physical and mental examinations, under rules and regulations prescribed by the commissioner of mental health. The court shall cause copies of the reports showing the results of such examinations and of the investigation made by the probation officer to be forwarded to the superintendent of the institution to which such child is committed or to the department, as the case may be, with the warrant of commitment.

Approved May 26, 1941.

AN ACT ENSURING THAT CERTAIN LAWS RELATIVE TO REGISTRATION OF PERSONS RESIDING AT INNS AND LODGING HOUSES ARE OF GENERAL APPLICATION.

Chap. 328

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-one of the General Laws is hereby amended by inserting after section forty-one, as appearing in the Tercentenary Edition, the following new section:— *Section 41A.* The duties imposed by sections ten A, ten B and thirty-seven, respectively, upon the registrars shall be performed in Boston and in other cities not having registrars by the election commissioners or other persons or boards having the powers and duties of registrars, or similar powers and duties. The statements required by said section ten A and the reports required by said section ten B, respectively, shall in Boston and in such other cities be filed with said commissioners or other persons or boards.

G. L. (Ter. Ed.), 51, new section 41A, added.

Election commissioners to have similar duties as registrars.

SECTION 2. Section thirty-seven of said chapter fifty-one, as most recently amended by section two of chapter three hundred and sixty-nine of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the last sentence.

G. L. (Ter. Ed.), 51, § 37, etc., amended.

Section to apply to all cities and towns.

Approved May 27, 1941.

AN ACT INCREASING THE ALLOTMENT TO THE STATE LIBRARY OF THE MANUAL FOR THE GENERAL COURT.

Chap. 329

Be it enacted, etc., as follows:

Section eleven of chapter five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the thirteenth line and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 5, § 11, amended.

To the state library, for use therein and for the purpose of exchange, one hundred and ten;

Manuals allotted to state library.

Approved May 27, 1941.

AN ACT FURTHER EXTENDING THE TIME DURING WHICH THERE SHALL BE COLLECTED AN ADDITIONAL TAX ON SALES OF GASOLINE AND CERTAIN OTHER MOTOR VEHICLE FUEL.

Chap. 330

Be it enacted, etc., as follows:

Chapter two hundred and forty-eight of the acts of nineteen hundred and thirty-two, as most recently amended by

chapter four hundred and eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth line, the word "April" and inserting in place thereof the word: — June, — so as to read as follows: — The time during which the additional excise tax of one cent is imposed on each gallon of fuel, as defined in section one of chapter sixty-four A of the General Laws, sold in the commonwealth, is hereby extended to and including the thirtieth day of June, nineteen hundred and forty-three, and the provisions of section four of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-one shall apply to the tax so imposed during such extended period.

Approved May 27, 1941.

Chap. 331 AN ACT RELATIVE TO THE TAXATION OF INCOMES AND OF CERTAIN BUSINESS AND MANUFACTURING CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and seven of the acts of nineteen hundred and thirty-three is hereby amended by striking out section nine, as most recently amended by section one of chapter three hundred and seventy-three of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 9.* Income received by any inhabitant of the commonwealth during the years nineteen hundred and thirty-three, nineteen hundred and thirty-four and nineteen hundred and thirty-five from dividends on shares in all corporations, joint stock companies and banking associations, organized under the laws of this commonwealth or under the laws of any state or nation, except co-operative banks, building and loan associations and credit unions chartered by the commonwealth, and except savings and loan associations under the supervision of the commissioner of banks, and income received by any inhabitant of the commonwealth during the years nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three from such dividends, other than stock dividends paid in new stock of the company issuing the same, shall be taxed at the rate of six per cent per annum. Inhabitant of the commonwealth shall include (a) estates and fiduciaries specified in sections nine, ten, thirteen and fourteen of chapter sixty-two of the General Laws, (b) partnerships specified in section seventeen of said chapter sixty-two, and (c) partnerships, associations or trusts, the beneficial interest in which is represented by transferable shares, specified in paragraphs entitled First, Second and Third of subsection (c) of section one of said chapter sixty-two. Except as otherwise provided in this section, the provisions of said chapter sixty-two shall apply

to the taxation of income received by any such inhabitant during said years. Subsection (b) of section one of said chapter sixty-two shall not apply to income received during said years.

SECTION 2. Said chapter three hundred and seven is hereby further amended by striking out section nine A, as most recently amended by section two of said chapter three hundred and seventy-three, and inserting in place thereof the following section:— *Section 9A*. The credit for dividends paid to inhabitants of this commonwealth by foreign corporations provided by section forty-three of chapter sixty-three of the General Laws in determining the tax leviable on such corporations under paragraph (2) of section thirty-nine of said chapter sixty-three shall not be allowed to foreign corporations or to foreign manufacturing corporations in respect to dividends so paid in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three.

SECTION 3. Said chapter three hundred and seven is hereby further amended by striking out section ten, as most recently amended by section three of said chapter three hundred and seventy-three, and inserting in place thereof the following section:— *Section 10*. Every corporation organized under the laws of this commonwealth, and every corporation doing business therein, including every banking association organized under the laws of any state or nation, and every partnership, association or trust the beneficial interest in which is represented by transferable shares, doing business in the commonwealth unless the dividends paid on its shares are exempt from taxation under said section one of said chapter sixty-two shall, in the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two, nineteen hundred and forty-three and nineteen hundred and forty-four, file with the commissioner of corporations and taxation, hereinafter called the commissioner, in such form as he shall prescribe, a complete list of the names and addresses of its shareholders as of record on December thirty-first next preceding, or on any other date satisfactory to the commissioner, or, in its discretion, of such shareholders as are residents of the commonwealth, together with the number and class of shares held by each shareholder, and the rate of dividends paid on each class of stock for said preceding year. The second paragraph of section thirty-three of said chapter sixty-two shall not apply to returns relative to shareholders

receiving dividends in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three.

SECTION 4. Said chapter three hundred and seven is hereby further amended by striking out section eleven, as most recently amended by section four of said chapter three hundred and seventy-three, and inserting in place thereof the following section:—*Section 11.* The state treasurer shall, on or before November twentieth, in the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two, nineteen hundred and forty-three and nineteen hundred and forty-four, distribute to the several cities and towns, in proportion to the amounts of state tax imposed upon such cities and towns in said years, respectively, the proceeds of the taxes collected by the commonwealth under section nine of this act, after deducting a sum sufficient to reimburse the commonwealth for the expenses incurred in the collection and distribution of said taxes, and for such of said taxes as have been refunded under section twenty-seven of chapter fifty-eight of the General Laws, during said years, together with any interest or costs paid on account of refunds, which shall be retained by the commonwealth; provided, that the state treasurer may withhold out of the amount to which any city or town would otherwise be entitled as aforesaid so much thereof as is necessary to pay the principal or interest of any bonds or notes issued by such city or town under section two of this act and then held by the commonwealth and remaining unpaid, and thereafter interest shall be payable only on the balance of such bonds or notes remaining unpaid. Any amount payable to a city or town hereunder shall be included by the assessors thereof as an estimated receipt, and be deducted, in accordance with section twenty-three of chapter fifty-nine of the General Laws, from the amount required to be raised by taxation to meet appropriations made in such years for public welfare, soldiers' benefits and maturing debts, in that order.

SECTION 5. Section one of chapter three hundred and seventeen of the acts of nineteen hundred and thirty-four is hereby amended by striking out the first paragraph, as most recently amended by section five of said chapter three hundred and seventy-three, and inserting in place thereof the following paragraph:—During the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred

and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one, nineteen hundred and forty-two, nineteen hundred and forty-three and nineteen hundred and forty-four, every corporation subject to section thirty-eight B of chapter sixty-three of the General Laws shall, except as provided in section fifty-six A of said chapter, as amended by section three hereof, pay annually a minimum excise of not less than the amount, if any, by which the sum of (1), (2), (3) and (4) following exceeds six per cent of the dividends paid by such corporation during the year corresponding to that in which the income is received: —

SECTION 6. Any reference in said chapter three hundred and seventeen or in section four of chapter three hundred and sixty-two of the acts of nineteen hundred and thirty-six to section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three shall be taken to refer to said section, as most recently amended by section one of this act.

Approved May 27, 1941.

AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF NEW BEDFORD TO MAKE CERTAIN APPROPRIATIONS FOR CERTAIN UNPAID BILLS AND AUTHORIZING THE CITY OF NEW BEDFORD TO PAY SAID BILLS. *Chap. 332*

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to appropriate money for, and to pay, such of the unpaid bills against said city as are included in a list which is on file in the office of the director of accounts in the department of corporations and taxation. Appropriations authorized under this section may be voted only in the year nineteen hundred and forty-one for the entire amount authorized or for any part thereof, and payments shall be made subject to this act and chapter four hundred and forty-four of the acts of nineteen hundred and thirty-nine.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under any authority of this act unless and until certificates have been signed and filed with said city auditor, stating under the penalties of perjury that the goods, materials or services for which bills have been submitted were ordered by an official or an employee of said city, and that such goods and materials were delivered and actually received by said city or that such services were rendered to said city, or both.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for goods, materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. This act shall take effect upon its passage.

Approved May 28, 1941.

Chap. 333 AN ACT FURTHER REGULATING THE PREPARATION OF ENVELOPES TO CONTAIN ABSENT VOTER BALLOTS AND OTHER DOCUMENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 54, § 87, etc., amended.

Section eighty-seven of chapter fifty-four of the General Laws, as amended, is hereby further amended by striking out subsection (d), as appearing in the Tercentenary Edition, and inserting in place thereof the following subsection: —

Envelopes for absent voter ballots.

(d) Envelopes of size sufficient to contain the preceding, addressed to the clerks of the several cities and towns within the commonwealth, upon which shall be printed "Enclosed is the absent voter ballot of _____", and blank spaces for the name, address and voting place of the sender with the words "name as registered", "address where registered", "ward" and "precinct" appropriately printed thereon. Such blank spaces shall be filled in by the city or town clerk prior to the mailing of such envelopes.

Approved May 28, 1941.

Chap. 334 AN ACT PROVIDING FOR NON-PROFIT MEDICAL SERVICE PLANS.

Be it enacted, etc., as follows:

G. L., new chapter 176C, inserted.

The General Laws are hereby amended by inserting after chapter one hundred and seventy-six B the following new chapter: —

CHAPTER 176C.

NON-PROFIT MEDICAL SERVICE PLANS.

Definitions.

Section 1. In this chapter the following words and phrases shall have the following meanings:

"Medical service plan", any plan or arrangement whereby members of the public pay regular subscription amounts and are entitled in return therefor to medical services.

"Medical service corporation", any non-profit corporation which receives subscription payments from subscribing members and in return therefor makes available to subscribing members the benefits of any agreements which the corporation has with a medical organization for the rendering of care to its members.

"Medical organization", any medical society or partnership of physicians whose members are members of the Massachusetts Medical Society or other recognized association of physicians, or whose members are members of the staff of any hospital approved by the American College of Surgeons, and which agrees to provide medical services to the subscribing members of a medical service plan.

"Associated physician", any physician duly licensed to practice medicine in the commonwealth who complies with the qualifications, rules and regulations of a medical organization approved by the department of public health and

who agrees in writing with the medical organization to perform any of the medical services specified in the form of subscribing members' agreement issued by a medical service corporation, and who agrees to accept compensation therefor in the manner hereinafter set forth.

"Recognized association of physicians", an organized medical society or association, membership in which is contingent upon established professional qualifications and which is nationally recognized in the medical profession.

"Subscribing member", any member of the public who is accepted as a subscribing member, with or without dependents, by a medical service corporation and who pays regular subscription dues to such corporation.

Section 2. Any medical service plan, and any medical service corporation or medical organization operating in connection with a medical service plan, under the laws of the commonwealth, shall be governed by this chapter and shall, except as otherwise provided by this chapter, be exempt from all provisions of the insurance laws of the commonwealth. Any medical service corporation operating under this chapter shall not be deemed to be practising medicine and shall be exempt from the provisions of chapter one hundred and twelve relating to the practice of medicine.

Organizations,
etc., governed
by this
chapter.

Section 3. Persons desiring to form a medical service corporation shall incorporate as provided in section three of chapter one hundred and eighty. Every certificate of organization of a medical service corporation formed under this chapter, before being filed under chapter one hundred and eighty, shall have endorsed thereon or attached thereto the consent of the department of public health and of the commissioner of public welfare. The board of directors of a medical service corporation shall number not less than nine, of whom at least three and not more than one third shall be subscribing members of such a medical service corporation and of whom at least three and not more than one third shall be physicians who are members of the Massachusetts Medical Society or other recognized association of physicians and who are not associated physicians of the medical service plan.

Medical
service cor-
porations.

Section 4. No medical service corporation shall, through its own agents or employees, provide any medical services, but any such corporation may enter into an agreement with one or more medical organizations whereby said medical organization or organizations agree to provide specified medical services for the subscribing members of the said medical service corporation; provided, that said agreement shall provide for the payment of a stipulated percentage or percentages of the subscriptions or other receipts, or both, of the medical service corporation to the medical organization and shall not provide for any specific amounts, whether or not based upon the number of services rendered to subscribing members. Any such agreement shall be subject to the approval of the department of public health.

Medical
services, how
provided.

Physicians may enter into agreements with medical service corporations.

Section 5. Any medical organization shall consist of not less than five physicians who are duly registered to practice in the commonwealth and who are members of the Massachusetts Medical Society or other recognized association of physicians, or are members of the staff of any hospital approved by the American College of Surgeons. Any medical organization may enter into an agreement with any duly registered physician whereby such associated physician agrees to furnish medical services to the subscribing members of a medical service corporation with which the medical organization has an agreement and whereby such associated physician agrees to accept as payment for said services a proportion of the funds received by the said medical organization from the said medical service corporation. Such agreement to accept payment for services shall provide for payment according to units of funds received by the said medical organization and shall not provide for specified amounts, whether according to the services rendered by the said physician or otherwise. Nothing herein shall change the normal relations between patient and physician nor prohibit any medical organization from employing a medical director and assistants, or nurses, or establishing a clinic for the rendering of medical services. Any such agreement between a medical organization and its associated physicians shall be subject to the approval of the department of public health.

Who may become associated physicians of medical organizations.

Section 6. Every registered physician who complies with the qualifications, rules and regulations of a medical organization doing business in the community where such physician resides or practices, approved by the department of public health, shall have the right to become an associated physician of said medical organization. A medical organization may terminate its agreement with any associated physician for rendering any fraudulent or improper claim for payment or for failure reasonably to observe the approved rules and regulations of such medical organization including those governing the reports of services and the keeping of accounts and records or for failure to comply with the professional code of ethics as accepted by organized medicine.

Who may become subscribing members.

Section 7. Any person residing in the commonwealth who meets the qualifications specified in the by-laws of a medical service corporation shall have the right to become a subscribing member of the corporation. No officer, agent or employee of a medical service corporation shall influence or attempt to influence a subscribing member, or his dependent, in his choice of an associated physician. Any medical service corporation may, at its discretion, deny the right of membership to any person who makes any fraudulent claim or representation to the medical service corporation or associated physician or who has failed after a reasonable period of grace, to pay dues or other charges as provided in the subscription agreement, or for any other cause which may be approved by the department of public health.

Section 8. A subscription agreement in a form approved by the department of public health shall be issued to each subscribing member of a medical service corporation. Such agreement shall include a full and accurate statement of the benefits of membership, the medical services excluded if any, and the terms of duration, cancellation and termination. The by-laws, rules and regulations of a medical service corporation may by reference be incorporated in the subscription agreement; provided, that a full and complete copy of said by-laws, rules and regulations shall be available to any subscriber.

Subscription agreement, approval by department of public health.

Section 9. Every medical service corporation shall annually on or before the first day of March file in the office of the commissioner of insurance a statement verified by at least two of the principal officers of said corporation showing its condition as of the thirty-first day of December next preceding. Said statement shall be in such form and shall contain such other matters as the commissioner of insurance shall prescribe. A corporation neglecting to make and file its annual statement in the form and within the time herein specified shall forfeit one hundred dollars for each day during which such neglect continues after notification by said commissioner of such neglect, and thirty days after said notice said commissioner may terminate its authority to do new business while such default continues.

Annual statement.

Section 10. The commissioner of insurance or any deputy or other person whom the said commissioner shall designate shall, at least once in three years and whenever he deems it to be prudent, visit any such medical service corporation and examine into its affairs, shall have free access to all of the books, papers and documents of the corporation that relate to its business and may summon as witnesses and examine under oath its officers, agents or employees or other persons in relation to its affairs, transactions and condition. The commissioner of insurance shall require every such corporation to keep its books, records, accounts and vouchers in such manner that he or his authorized representatives may readily verify its annual statements and ascertain whether the corporation has complied with the law. The commissioner of insurance is authorized and directed on request of the commissioner of public health to advise him on any financial, accounting, bookkeeping or other similar question arising out of the operation of any medical service plan.

Examination by insurance department.

Section 11. The funds of any corporation subject to this chapter shall be kept only in banks in which funds of the commonwealth are authorized to be deposited.

Funds.

Section 12. Any dispute arising between a medical service corporation and any medical organization with which such corporation has an agreement as provided by this chapter may be submitted to the department of public health for its decision with respect thereto. All decisions and find-

Settlement of disputes.

ings of any state department or officer made under any provision of this chapter may be revised by proper proceedings in the superior court.

Section 13. If the department of public health is satisfied as to any corporation subject to this chapter that:

1. It has failed to comply with the provisions of its charter, or
2. It is being operated for profit, or
3. It is fraudulently conducted, or
4. Its condition is such as to render its further transaction of business hazardous to the public or to its subscribers, or
5. Its officers and agents have refused to submit to an examination under section ten, or
6. It has exceeded its powers, or
7. It has violated any provision of law,

it may apply to the supreme judicial court for an injunction restraining such corporation from further proceeding with its business. The court may forthwith issue a temporary injunction restraining the transaction of any business, and it may after a full hearing make the injunction permanent and appoint one or more receivers to take possession of the books, papers, monies and other assets of the corporation, settle its affairs, and distribute its funds to those entitled thereto, subject to such rules and orders as the court may prescribe.

Section 14. Every corporation subject to this chapter is hereby declared to be a charitable and benevolent corporation and, except as hereinafter provided, its property shall be exempt from state, county, district and municipal taxes. No such corporation nor any medical organization shall be liable for injuries resulting from negligence or malpractice on the part of any associated physician or any of its employees.

Section 15. Every corporation subject to this chapter shall annually on or before March first, make a return to the commissioner of corporations and taxation, signed and sworn to by a majority of its board of directors, of the total amount of subscription dues paid by subscribing members during the preceding calendar year, and shall pay to said commissioner an excise of one per cent upon the amount of such dues. If said corporation neglects to make such return, it shall forfeit fifty dollars for each day such neglect continues.

Section 16. No corporation subject to this chapter shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor shall any such corporation pay any salary, compensation or emolument, amounting in any year to more than five thousand dollars, to any person, unless such payment be first authorized by a vote of its board of directors. No corporation subject to this chapter shall make any agreement with any of its officers, trustees or employees whereby it agrees that for any services rendered or to be rendered he shall receive any salary, com-

Corporation may be enjoined from doing business, when.

Corporation to be deemed a charitable and benevolent corporation.

Annual return to department of corporations and taxation.

Payment of salaries, etc., regulated.

pensation or emolument for a period of more than three years from the date of such agreement.

Section 17. Nothing herein shall be construed to prohibit the providing of medical services by an educational or other charitable institution to the persons whom it serves, nor to prohibit any business organization from providing medical services for its employees, nor to prohibit an insurance company, or other corporation or society which is subject to the supervision of the commissioner of insurance, from operating in accordance with the laws governing insurance companies or such corporations or societies. *Approved May 28, 1941.*

Application
of chapter
limited.

AN ACT AUTHORIZING CERTAIN EMPLOYEES OF COUNTIES OR HOSPITAL DISTRICTS TO BECOME MEMBERS OF THE CONTRIBUTORY RETIREMENT SYSTEMS OF THEIR RESPECTIVE COUNTIES, AND REGULATING THEIR CREDIT UNDER SUCH SYSTEMS FOR PRIOR SERVICE.

Chap. 335

Be it enacted, etc., as follows:

Section twenty-one of chapter thirty-two of the General Laws, as amended, is hereby further amended by striking out paragraph (2), as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph: —

G. L. (Ter.
Ed.), 32, § 21,
etc., amended.

(2) An employee of a county or hospital district under age seventy on the date of application, whose membership in the system is contingent on his electing to become a member, and who has elected not to become a member, may thereafter apply for and be admitted to membership; provided, that he shall not be entitled to credit for prior service unless he shall pay into the annuity savings fund of the system, in one sum, or by instalments, an amount equal to that which he would have paid had he joined the system at the earliest opportunity, with interest at three per cent; and provided, further, that all payments by instalments hereunder shall be made before said member attains age sixty.

Employees
under seventy.

Approved May 28, 1941.

AN ACT DEFINING MORE SPECIFICALLY CERTAIN POWERS AND DUTIES OF CERTAIN FRATERNAL BENEFIT SOCIETIES.

Chap. 336

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter one hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "years" in the eleventh line, the following: —, and that a complete stenographic record of the proceedings of each such meeting, so far as it relates to matters within the jurisdiction of the commissioner of insurance, shall be filed in the home office of the society within thirty days after the adjournment of such meeting, — so as to read as follows: — *Section 3.* Any such society shall be deemed to have a representative form of government when it shall provide in

G. L. (Ter.
Ed.), 176, § 3,
amended.

Representa-
tive form of
government
defined.

its constitution and by-laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and by-laws; provided, that the elective members shall have not less than two thirds of the votes nor less than the number of votes required to amend its constitution and by-laws; and provided, further, that the meetings of the supreme or governing body and the election of officers, representatives or delegates shall be held as often as once in four years, and that a complete stenographic record of the proceedings of each such meeting, so far as it relates to matters within the jurisdiction of the commissioner of insurance, shall be filed in the home office of the society within thirty days after the adjournment of such meeting. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

G. L. (Ter.
Ed.), 176, § 18,
amended.

Investment
of funds.

SECTION 2. Said chapter one hundred and seventy-six is hereby further amended by striking out section eighteen, as so appearing, and inserting in place thereof the following section:— *Section 18.* Every society shall invest its funds in securities permitted by chapter one hundred and seventy-five for the investment of the capital of insurance companies, except that it may invest an amount not exceeding ten per cent of its funds in the shares of federal savings and loan associations located in the commonwealth and, in addition, an amount not exceeding ten per cent in shares of co-operative banks chartered by the commonwealth, and may deposit any of its funds in any savings bank, or savings department of a trust company, chartered under the laws of the commonwealth; provided, that any foreign society permitted or seeking to do business in the commonwealth may invest its funds in accordance with the laws of the state where it is incorporated; and provided, further, that a part thereof, not exceeding twenty per cent of its death fund, may be invested in a building for use and occupation by the society as its home office; and that a society having branches situated in the Dominion of Canada may invest a part of its death fund in the public funds of the Dominion of Canada, or of any province of the Dominion of Canada, not exceeding in the aggregate an amount equal to the sum of its collected premiums for the four months last past.

G. L. (Ter.
Ed.), 176, § 22,
amended.

Burial
benefits.

SECTION 3. Section twenty-two of said chapter one hundred and seventy-six, as so appearing, is hereby amended by striking out, in the fourth line, the word "one" and inserting in place thereof the word:— three,— so as to read as follows:— *Section 22.* Any society may provide in its by-laws that a part of the amount payable as a death benefit may be used to pay the funeral expenses of the insured; provided, that the amount so paid shall not exceed three hundred dollars, and shall be deducted from the amount payable as a death benefit.

SECTION 4. Section thirty of said chapter one hundred and seventy-six, as so appearing, is hereby amended by adding at the end the following: — ; provided, that this section shall not be applicable to any indebtedness charged against the member's certificate under the authority of section sixteen, — so as to read as follows: — *Section 30.* Money or other benefit, charity or relief or aid, to be paid, provided or rendered by any society, shall not be attached or taken upon execution or other process or by operation of law to pay any debt or liability of a member or beneficiary, or of any other person who may have a right thereunder, either before or after payment; provided, that this section shall not be applicable to any indebtedness charged against the member's certificate under the authority of section sixteen.

G. L. (Ter. Ed.), 176, § 30, amended.

Money, etc., not liable to attachment.

SECTION 5. Section thirty-six of said chapter one hundred and seventy-six, as so appearing, is hereby amended by inserting after the word "society" in the eighth line the following new sentence: — The latest report of each examination made by the commissioner shall be read at the next succeeding convention of any society on the lodge system, as defined in section two, and thereafter a copy thereof shall be filed at the home office of the society, — so that the first paragraph will read as follows: — The commissioner, or any person designated by him, may examine the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he or any person designated by him shall have free access to all the books, papers and documents relating to the business of the society, and may summon and qualify as witnesses on oath and examine its officers, agents and employees and other persons in relation to the affairs, transactions and condition of the society. The latest report of each examination made by the commissioner shall be read at the next succeeding convention of any society on the lodge system, as defined in section two, and thereafter a copy thereof shall be filed at the home office of the society. Whoever, without justifiable cause, neglects, when duly summoned as aforesaid, to appear and testify before the commissioner or his authorized representative, or whoever obstructs the said commissioner or his representative in making an examination under this section, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

G. L. (Ter. Ed.), 176, § 36, amended.

Examination of domestic societies.

Approved May 28, 1941.

AN ACT RELATIVE TO THE CHOICE OF DELEGATES TO STATE CONVENTIONS OF POLITICAL PARTIES. *Chap. 337*

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-two of the General Laws is hereby amended by striking out section nine, as appearing in section one of chapter three hundred and forty-six of the acts of nineteen hundred and thirty-eight, and inserting in

G. L. (Ter. Ed.), 52, § 9, etc., amended.

Numbers of delegates to state conventions and members of ward and town committees.

place thereof the following section: — *Section 9.* The state committee shall fix the number of delegates to the state convention, not less than one for each ward and each town, to be chosen by the ward or town committee. City and town committees, respectively, shall fix the number of members of ward and town committees to be elected at the presidential primaries, not less than three nor more than thirty-five for each ward and each town. Notice of the number of committee members to be elected shall be given by the city or town committee, as the case may be, to the state secretary on or before February first of the year in which such persons are to be elected. In case a city or town committee fails to fix the number of the members of a ward or town committee and to give such notice, the number of members of such ward or town committee to be elected shall not exceed ten. Upon the choice of delegates to a state convention the chairman of the ward or town committee, as the case may be, shall notify in writing the chairman of the state committee of the respective party, who shall thereupon issue proper certificates to the persons so chosen.

G. L. (Ter. Ed.), 53, § 2, etc., amended.

Nominations, how made.

SECTION 2. Chapter fifty-three of the General Laws is hereby amended by striking out section two, as most recently amended by section five of chapter four hundred and seventy-three of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 2.* Except in the case of municipal nominations where a city charter or a law applying specially to a particular town otherwise provides, candidates of political parties for all elective offices, except presidential elector, shall be nominated, and delegates and alternate delegates to national conventions and members of political committees, except as provided in sections one and four of chapter fifty-two, shall be elected, in primaries or caucuses, and the nomination of any party other than a political party, in any district containing more than one ward or town, shall be made by a convention of delegates chosen by caucuses held under section one hundred and seventeen in the wards and towns of the district for which the nomination is to be made. All nominations and elections in primaries and caucuses shall be by direct plurality vote. No candidates shall be nominated, and no member of a political committee or convention delegate elected, in any other manner than is provided in this chapter or chapter fifty-two.

G. L. (Ter. Ed.), 53, § 34, etc., amended.

Arrangement of names on ballot.

SECTION 3. Section thirty-four of said chapter fifty-three, as most recently amended by section nine of said chapter four hundred and seventy-three, is hereby further amended by striking out the second and third paragraphs and inserting in place thereof the two following paragraphs: —

Names of candidates for ward or town committees and for delegates or alternate delegates to national conventions shall be arranged in groups in such order as may be determined by lot, under the direction of the state secretary, who shall notify each state committee and give a representative of

each such committee an opportunity to be present. When necessary, groups may be printed on the ballot in two or more columns.

Against the name of a candidate for an elective office, for delegate or alternate delegate to a national convention, for a ward or town committee, or for a state committee, shall be printed the street and number, if any, of his residence.

SECTION 4. Section thirty-five of said chapter fifty-three, as most recently amended by section ten of said chapter four hundred and seventy-three, is hereby further amended by inserting after the word "to" in the fifth line the word:— national, — so as to read as follows:—*Section 35.* A cross (X) marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of a group of candidates for a ward or town committee or for delegates or alternate delegates to national conventions shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

G. L. (Ter. Ed.), 53, § 35, etc., amended.

A cross to constitute a vote, etc.

SECTION 5. Said chapter fifty-three is hereby further amended by striking out section forty-one, as most recently amended by section eleven of said chapter four hundred and seventy-three, and inserting in place thereof the following section:— *Section 41.* Primaries shall be held for the nomination of candidates of political parties for all offices to be filled at a state election, except presidential elector. Sections forty-two to fifty-three A, inclusive, shall apply to such primaries.

G. L. (Ter. Ed.), 53, § 41, etc., amended.

Nominations at state primaries.

SECTION 6. Section forty-four of said chapter fifty-three, as most recently amended by section twelve of said chapter four hundred and seventy-three, is hereby further amended by striking out, in the second line, the words "or election", — and by striking out, in the eighth and ninth lines, the words " , and for delegates to state conventions," — so as to read as follows:— *Section 44.* The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth such papers shall be signed in the aggregate by at least one thousand voters, not more than two hundred and fifty to be from any one county. Such papers for all other offices to be filled at a state election shall be signed by a number of voters equal in the aggregate to five voters for each ward and each town in the district or county, but in no case shall more than two hundred and fifty be required.

G. L. (Ter. Ed.), 53, § 44, etc., amended.

Number of signatures.

SECTION 7. Section forty-five of said chapter fifty-three, as most recently amended by section thirteen of said chapter four hundred and seventy-three, is hereby further amended by striking out, in the fifth and sixth lines, the words " , except for candidates for delegates to state conven-

G. L. (Ter. Ed.), 53, § 45, etc., amended.

Nomination
papers, con-
tents, etc.

tions", — and by striking out, in the twentieth and twenty-first lines, the words " , except in the case of delegates to conventions", — so as to read as follows: — *Section 45.* Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, and (3) the political party whose nomination he seeks, and the paper may state, in not more than eight words, the public offices which he holds or has held, showing clearly that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination.

Signatures shall be subject to section seven, and every voter may sign as many nomination papers for each office as there are persons to be nominated therefor or elected thereto, and no more.

A nomination paper shall be valid only in respect to a candidate whose written acceptance is thereon.

No nomination paper for use in the nomination of candidates to be voted for at state primaries shall contain the name of more than one candidate.

G. L. (Ter.
Ed.), 53, § 46,
etc., amended.

SECTION 8. Section forty-six of said chapter fifty-three, as most recently amended by section two of chapter twenty-five of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out at the end the words "or delegations to the state convention", — so as to read as follows: — *Section 46.* Every nomination paper shall be submitted, on or before five o'clock in the afternoon of the seventh day preceding the day on which it must be filed, to the registrars of the city or town in which the signers appear to be voters, who shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and who are not enrolled in any other party than that whose nomination the candidate seeks, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination.

Certification
of names on
nomination
papers.

The provisions of section seven relative to the number of names to be certified and received, and to names not certified in the first instance, shall apply to such papers. For the purpose of certifying to the names on primary nomination papers the registrars shall hold meetings on the four Tuesdays next preceding the date on which such papers are required to be filed with the state secretary, except that for primaries before special elections the meetings shall be held on the two Tuesdays next preceding such date.

No person shall be a candidate for nomination for more than one office; but this shall not apply to candidates for membership in political committees.

SECTION 9. Section fifty-two of said chapter fifty-three, as most recently amended by section seventeen of said chapter four hundred and seventy-three, is hereby further

G. L. (Ter.
Ed.), 53, § 52,
etc., amended.

amended by striking out the last sentence, — so as to read as follows: — *Section 52.* Upon receipt of the records of votes cast at state primaries the city or town clerk shall forthwith canvass the same and within four days after said primary make return of the votes for candidates for nomination for state offices, to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons nominated for state offices.

Canvass
and return
of votes.

SECTION 10. Section fifty-three of said chapter fifty-three, as most recently amended by section eighteen of said chapter four hundred and seventy-three, is hereby further amended by striking out all of the first paragraph after the word "made" in the ninth line, and also by striking out the second paragraph, — so as to read as follows: — *Section 53.* In case of a tie vote where the number of persons receiving equal votes exceeds the number of nominations available, there shall be deemed to be a vacancy. If the tie is between candidates for an office to be filled by all the voters of the commonwealth, the vacancy shall be filled by the state committee. If the tie is between candidates for nomination for any other office, the vacancy shall be filled by the members of the ward and town committees in the district for which the nomination is to be made.

G. L. (Ter.
Ed.), 53, § 53,
etc., amended.

Vacancies
caused by
tie votes.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

SECTION 11. Section fifty-four of said chapter fifty-three, as most recently amended by section two of chapter three hundred and forty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the ninth and tenth lines, the words "elected at the state primary" and inserting in place thereof the words: — chosen under section nine of chapter fifty-two, — so as to read as follows: — *Section 54.* A political party may, upon the call of its state committee, but not earlier than one week nor later than two weeks after the holding of the primaries, hold a state convention for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by it, nominating presidential electors, and for such other purposes consistent with law as the state committee or the convention may determine. Such convention shall consist of the delegates chosen under section nine of chapter fifty-two, the members of the state committee, the United States senators from Massachusetts who are members of the party, the nominees of the party for all offices to be filled at the state election, and in years in which no elections are held for such offices, the incumbents of those offices who are members of the party.

G. L. (Ter.
Ed.), 53, § 54,
etc., amended.

State con-
ventions of
political
parties.

SECTION 12. Section seventy B of said chapter fifty-three, inserted by section twenty-one of said chapter four hundred and seventy-three, is hereby further amended by adding at the end the following new sentence: — At such primaries

G. L. (Ter.
Ed.), 53, § 70B,
etc., amended.

Delegates,
etc., to
national
conventions.

members of state, ward and town committees shall also be elected, to the number fixed as provided in chapter fifty-two, — so as to read as follows: — *Section 70B.* In any year in which candidates for presidential electors are to be elected, the election of delegates and of alternate delegates to national conventions of political parties shall be by direct plurality vote in primaries. The number of district delegates and the number of district alternate delegates, not less than one from each congressional district, and the number of delegates and alternate delegates at large, shall be fixed by the state committee, who shall give notice thereof to the state secretary on or before the third Wednesday in February. At such primaries members of state, ward and town committees shall also be elected, to the number fixed as provided in chapter fifty-two.

Approved May 28, 1941.

Chap. 338 AN ACT RELATIVE TO THE PARTIAL EXEMPTION FROM ATTACHMENT OF CERTAIN SUMS PAYABLE AS PENSIONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 246, § 28,
etc., amended.

Wages, etc.,
exempt from
attachment,
when.

SECTION 1. Chapter two hundred and forty-six of the General Laws is hereby amended by striking out section twenty-eight, as amended by section one of chapter four hundred and ten of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 28.* If wages for personal labor or personal services of a defendant are attached for a debt or claim, an amount not exceeding twenty dollars out of the wages then due to the defendant for labor performed or services rendered during each week for which such wages were earned but not paid shall be reserved in the hands of the trustee and shall be exempt from such attachment. If a pension payable to a defendant, which is not otherwise exempt by law from attachment, is attached for a debt or claim, an amount not exceeding twenty dollars for each week which has elapsed since the last preceding payment under such pension was payable to said defendant shall be reserved in the hands of the trustee from the amount then payable to said defendant but not paid and shall be exempt from attachment. The amount reserved under this section shall be paid by the trustee to the defendant in the same manner and at the same time as such amount would have been paid if no such attachment had been made. Every writ of attachment shall contain a statement of the amount exempted from attachment under this section and also a direction to the trustee to pay over the exempted amount as hereinbefore provided.

Effective
date.

SECTION 2. This act shall become effective on October first of the current year and the provisions of section one relative to pensions shall apply only to attachments by trustee process made on or after said effective date.

Approved May 29, 1941.

AN ACT EXTENDING THE TIME DURING WHICH THERE SHALL BE IMPOSED A TEMPORARY ADDITIONAL EXCISE WITH RESPECT TO THE SALE OF ALCOHOLIC BEVERAGES AND ALCOHOL. Chap.339

Whereas, The deferred operation of this act would tend to defeat its purpose by depriving the commonwealth of necessary revenue, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Section one of chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-nine is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:— There is hereby imposed an additional excise on the sale of alcoholic beverages and of alcohol during the period from September first, nineteen hundred and thirty-nine, to June thirtieth, nineteen hundred and forty-three, inclusive, as follows:

Approved June 2, 1941.

AN ACT AUTHORIZING THE PRESIDENT & TRUSTEES OF WILLIAMS COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY. Chap.340

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of the act establishing Williams College, approved June twenty-second, seventeen hundred and ninety-three, as most recently amended by section one of chapter sixty-five of the acts of nineteen hundred and six, is hereby further amended by striking out all after the word "personal" in the fourteenth and fifteenth lines as appearing in the said act of seventeen hundred and ninety-three, and inserting in place thereof the following: — , in any amount for the purpose of educating youth as provided in this act.

SECTION 2. Section one shall take full effect upon its acceptance, at any time after the expiration of ninety days from the passage of this act, by vote of the President & Trustees of Williams College and the filing by the secretary of said corporation with the state secretary of a certificate evidencing such acceptance. *Approved June 2, 1941.*

AN ACT RELATIVE TO THE SALE OF REAL ESTATE BY ADMINISTRATORS DE BONIS NON UNDER LICENSE OF THE PROBATE COURT. Chap.341

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter two hundred and two of the General Laws, as appearing in the Tercent-

G. L. (Ter. Ed.), 202, § 19, amended.

Sale of real
property by
adminis-
trator, etc.

nary Edition, is hereby amended by inserting after the word "non" in the seventh line the words: — , or within the remainder of said last mentioned period of one year, whichever is the longer period, — so as to read as follows: — *Section 19.* The probate court may, upon petition of an administrator, administrator with the will annexed, or executor filed within one year after the date of the giving of the executor's or administrator's bond, or, if an administrator de bonis non shall be appointed within one year after the date of the original appointment of the executor or administrator, then within six months after the date of the giving of a bond by such administrator de bonis non, or within the remainder of said last mentioned period of one year, whichever is the longer period, with the consent of all parties interested or after notice, license him to sell the whole or any part of the real estate or any undivided interest therein belonging to the estate of the deceased, in such manner and upon such notice as the court orders; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts, legacies and charges of administration, in consequence of a deficiency in the personal property, shall be paid over to the person or persons who would have been entitled to such real estate and in the proportions to which they would have been entitled had it not been sold. Before any such license shall be issued, the petitioner shall file in the probate court an affidavit containing the names of all persons known to him as having or claiming any interest in said real estate derived from any deed of conveyance or mortgage by, through or under any of the heirs or devisees, and if it appears that there are any such persons, they shall be made parties to the proceedings, and notified in such manner as the court orders.

Effective
date.

SECTION 2. This act shall take effect on October first in the current year.

Approved June 2, 1941.

Chap. 342 AN ACT DEFINING MORE SPECIFICALLY THE POWERS OF THE COMMISSIONER OF INSURANCE WITH RESPECT TO CERTIFICATES OF AUTHORITY AND TO APPROVAL OF THE INCORPORATION OF INSURANCE COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175, § 32,
etc., amended.

SECTION 1. Section thirty-two of chapter one hundred and seventy-five of the General Laws, as most recently amended by section two of chapter three hundred and fifty-seven of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "accountant" in the twelfth line the words: — , a competent claim manager, — and by striking out, in the twenty-eighth line, the words "a life" and inserting in place thereof the word: — any, — so as to read as follows: — *Section 32.* No domestic company shall make or issue any contracts or

Domestic
companies
not to issue

policies of insurance or annuity or pure endowment contracts until it has obtained from the commissioner a certificate, in such form as he may prescribe, stating that the company has complied with the conditions set forth in this section and all other provisions of law, and authorizing it to make or issue such policies or contracts. No such certificate shall be issued until the commissioner is satisfied, by such examination as he may make and such evidence as he may require, that the company has complied with the laws of the commonwealth, adopted a proper system of accounting, and employed a competent accountant, a competent claim manager and a competent and experienced underwriter, nor until the commissioner is satisfied, by such examination as he may make and by an affidavit filed with him as required under section four and by such other evidence as he may require, that the company is without liabilities, except such organization expenses as the commissioner shall approve as reasonable, and except, in the case of a stock company or a mutual company with a guaranty capital, its liabilities to stockholders for the amount paid in for shares of stock, nor, in the case of a life company, until he is satisfied, by such examination as he may make and such evidence as he may require, that the company has employed a competent and experienced actuary, and that its officers and directors are of good repute and competent to manage a life company; provided, that if the commissioner is of the opinion that the granting of such a certificate to any company would, in any case, be prejudicial to the public interest, he may in his discretion refuse to issue it.

policies, etc., prior to issuance of certificate by commissioner.

SECTION 2. Section forty-nine of said chapter one hundred and seventy-five, as amended, is hereby further amended by striking out the paragraph contained in the twenty-second to the twenty-eighth lines, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 175, § 49, etc., amended.

The president, secretary and a majority of the directors shall execute and make oath to the articles of organization specified in section ten of said chapter one hundred and fifty-six, which shall, with the records and by-laws of the company, be submitted to the commissioner instead of to the commissioner of corporations and taxation, and he shall have the powers and perform the duties relative thereto specified in section eleven of said chapter one hundred and fifty-six; provided, that the commissioner shall not approve the articles of organization of a company formed to transact business under any of the clauses of section forty-seven until he is satisfied, by such examination as he may make and such evidence as he may require, that the incorporators are of good repute and intend in good faith to operate the company. He shall execute a certificate of his findings, in such form as he may prescribe, which shall be attached to the articles of organization prior to the filing thereof with the state secretary.

Formation of corporation.

G. L. (Ter.
Ed.), 175, § 49,
etc., amended.

SECTION 3. Said section forty-nine of said chapter one hundred and seventy-five, as amended, is hereby further amended by striking out the last paragraph, as appearing in the Tercentenary Edition. *Approved June 2, 1941.*

Chap.343

AN ACT RELATIVE TO REINSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175, § 20,
amended.

Section twenty of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "thereof" in the forty-eighth line the following new paragraph: —

Reinsurance.

No credit shall be allowed to any ceding insurer for reinsurance made, ceded, renewed or otherwise becoming effective after September thirtieth, nineteen hundred and forty-one, as an admitted asset or as a reduction of liability, unless, by the terms of a written reinsurance agreement, the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under any policy or contract reinsured without diminution because of the insolvency of the ceding insurer. Any reinsurance agreement may provide that the liquidator or receiver or statutory successor of an insolvent ceding insurer shall give written notice of the pendency of a claim against the insolvent ceding insurer on the policy or contract reinsured within a reasonable time after such claim is filed in the insolvency proceeding and that during the pendency of such claim the assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defense or defenses which it may deem available to the ceding company or its liquidator or receiver or statutory successor. Subject to court approval, the expense thus incurred by the assuming insurer shall be chargeable, against the insolvent ceding insurer as part of the expense of liquidation, to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer.

Approved June 2, 1941.

Chap.344 AN ACT MAKING CERTAIN CHANGES IN THE GENERAL LAWS MADE NECESSARY BY THE ABOLITION OF THE PRISON CAMP AND HOSPITAL AT RUTLAND AND MAKING CERTAIN OTHER MINOR PERFECTING CHANGES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32, § 46,
amended.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by striking out section forty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 46.* The commissioner of correction may, with the approval of the governor and council, retire from active service and place upon a pension roll

Pensions
for prison
employees.

any officer of the state prison, the state prison colony, the Massachusetts reformatory, the state farm, the reformatory for women or any jail or house of correction, or any person employed to instruct the prisoners in any prison or reformatory, as provided in section fifty-two of chapter one hundred and twenty-seven, or any other employee of the state prison or the Massachusetts reformatory, who has attained the age of sixty-five and who has been employed in prison service in the commonwealth, with a good record, for not less than twenty years; or who, without fault of his own, has become permanently disabled by injuries sustained in the performance of his duty; or who has performed faithful prison service for not less than thirty years; provided, that no officer of any jail or house of correction shall so be retired except upon the recommendation of the sheriff and county commissioners of the county, except in the county of Suffolk, where the recommendation as to the officers of the jail shall be made by the sheriff and the mayor of Boston, and, as to the officers of the house of correction, by the penal institutions commissioner and the mayor of Boston; and provided, further, that no such officer, instructor or employee shall be retired unless he began employment as such in one of the above named institutions or the prison camp and hospital, or as an officer or instructor in one of the institutions named in section forty-seven, on or before June seventh, nineteen hundred and eleven. The word "officer", as used in this section and sections forty-seven and forty-eight, shall extend to and include prison officer, correction officer and matron.

SECTION 2. Section forty-seven of said chapter thirty-two, as so appearing, is hereby amended by striking out, in the second line, the words "the preceding section" and inserting in place thereof the words: — section forty-six, — and by inserting after the word "institutions" in the fourth line the following: — or in the prison camp and hospital.

G. L. (Ter. Ed.), 32, § 47, amended.

Computation of time of service.

SECTION 3. Section one hundred and two of chapter one hundred and twenty-three of the General Laws, as most recently amended by chapter two hundred and twenty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the fourth and fifth lines as appearing in chapter fifteen of the acts of nineteen hundred and thirty-four, the words ", the prison camp and hospital", — and by striking out, in the fifteenth line, the words "and the following section" and inserting in place thereof the words: — section and section one hundred and three.

G. L. (Ter. Ed.), 123, § 102, etc., amended.

Care of insane, etc.

SECTION 4. Section one of chapter one hundred and twenty-four of the General Laws, as amended by section thirty-eight of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the third line, the words "the prison camp and hospital," and by striking out, in the tenth line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 124, § 1, etc., amended.

Duties of commissioner.

G. L. (Ter. Ed.) 124, § 5, amended.

Reports.

SECTION 5. Section five of said chapter one hundred and twenty-four, as appearing in the Tercenary Edition, is hereby amended by striking out, in the third line, the words "prison camp and hospital," and by striking out, in the fourth line, the word "the".

G. L. (Ter. Ed.), 125, § 2, amended.

Appointment of warden, etc.

SECTION 6. Section two of chapter one hundred and twenty-five of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the words "the prison camp and hospital,".

G. L. (Ter. Ed.), 125, § 3, amended.

Bonds.

SECTION 7. Section three of said chapter one hundred and twenty-five, as so appearing, is hereby amended by striking out, in the second line, the words "prison camp and hospital," — and by striking out, in the ninth line, the words "in the office of" and inserting in place thereof the word: — with.

G. L. (Ter. Ed.), 125, § 4, etc., amended.

Subordinate officers.

SECTION 8. Section four of said chapter one hundred and twenty-five, as amended by section three of chapter two hundred and eighty-two of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the seventh line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 125, §§ 39, 40 and 41, repealed.

SECTION 9. Sections thirty-nine, forty and forty-one of said chapter one hundred and twenty-five, as appearing in the Tercenary Edition, are hereby repealed and the heading preceding said section thirty-nine is hereby stricken out.

G. L. (Ter. Ed.), 127, § 2, amended.

Warden, etc., duties of.

SECTION 10. Section two of chapter one hundred and twenty-seven of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the words "prison camp and hospital" and inserting in place thereof the words: — state prison colony.

G. L. (Ter. Ed.), 127, § 11, amended.

Transfer of correction officer.

SECTION 11. Said chapter one hundred and twenty-seven is hereby further amended by striking out section eleven, as so appearing, and inserting in place thereof the following: — *Section 11.* An officer in a jail or house of correction may be transferred to the state prison or the Massachusetts reformatory as a correction officer; and if the place in which he is employed is not in the classified civil service list, he shall be given a non-competitive examination as to his fitness, upon receipt from the warden of the state prison or the superintendent of the Massachusetts reformatory, as the case may be, of a statement that the appointment of such officer is desired, and that he possesses particular qualifications for the work required of him.

G. L. (Ter. Ed.), 127, § 12, amended.

Removal of officers.

SECTION 12. Section twelve of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words: — "prison camp and hospital".

G. L. (Ter. Ed.), 127, § 16, etc., amended.

Physical, etc., examinations.

SECTION 13. Section sixteen of said chapter one hundred and twenty-seven, as most recently amended by section one of chapter seventy-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the second and third lines as appearing in the Tercenary Edition, the words "the prison camp and hospital"

and inserting in place thereof the words: — the state prison colony.

SECTION 14. Section thirty-five of said chapter one hundred and twenty-seven, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth and seventh lines, the words "prison camp and hospital" and inserting in place thereof the words: — state prison colony.

G. L. (Ter. Ed.), 127, § 35, amended.

Food, clothing, etc.

SECTION 15. Said chapter one hundred and twenty-seven is hereby further amended by striking out section fifty, as so appearing, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 127, § 50, amended.

Employment on public lands, etc.

Section 50. Prisoners in the state prison, Massachusetts reformatory, reformatory for women, state prison colony, state farm, or in any jail or house of correction, may be employed, in the custody of an officer, in caring for public lands and buildings; but no prisoner, except as provided in sections eighty-three and eighty-four, shall be employed outside the precincts of the place of his imprisonment in doing work of any kind for private persons.

SECTION 16. Section fifty-one of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third line, the words "prison camp and hospital,".

G. L. (Ter. Ed.), 127, § 51, amended.

Industries.

SECTION 17. Said chapter one hundred and twenty-seven is hereby further amended by striking out section seventy-one, as so appearing, and inserting in place thereof the following: — *Section 71.* At least once in each month the receipts from the labor of prisoners in the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony and the state farm shall be paid to the commonwealth, and the receipts from the labor of prisoners in a jail or house of correction to the county, and so much thereof as is necessary to pay the expenses of maintaining the industries in said institutions shall be expended from the state or county treasury for that purpose, but not until schedules of such expenses have been sworn to by the warden or superintendent and approved by the commissioner. Whenever, in the opinion of the comptroller, the accumulated funds in the state treasury from the receipts from the labor of prisoners in the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony and the state farm exceed the sums necessary to pay the expense of maintaining the industries by which they were produced, the comptroller shall direct that the surplus be transferred from these accounts into the general fund or ordinary revenue of the commonwealth. Receipts from any one of the institutions shall be applied to paying the bills of that institution only. The warden or superintendent of the state prison, Massachusetts reformatory, reformatory for women, state prison colony or state farm shall, as often as he has in his possession money to the amount of ten thousand dollars which he has received under the provisions of sections fifty-three to sixty-seven, inclu-

G. L. (Ter. Ed.), 127, § 71, amended.

Accounting.

sive, pay it to the commonwealth; and the master or keeper of a jail or house of correction shall, as often as he has in his possession such money to the amount of five thousand dollars, pay it into the county treasury.

G. L. (Ter.
Ed.), 127, § 72,
amended.

Salaries, etc.

SECTION 18. Section seventy-two of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words "prison camp and hospital" and inserting in place thereof the words: — the state prison colony.

G. L. (Ter.
Ed.), 127,
§§ 78, 79–82,
inc., repealed.

SECTION 19. Section seventy-eight and sections seventy-nine to eighty-two, inclusive, of said chapter one hundred and twenty-seven, as so appearing, are hereby repealed and the heading preceding said section seventy-nine is hereby stricken out.

G. L. (Ter.
Ed.), 127, § 87,
amended.

Correspondence
regulated.

SECTION 20. Section eighty-seven of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the seventh line, the words "prison camp and hospital" and inserting in place thereof the words: — state prison colony.

G. L. (Ter.
Ed.), 127,
§ 109, repealed.

SECTION 21. Section one hundred and nine of said chapter one hundred and twenty-seven, as so appearing, is hereby repealed.

G. L. (Ter.
Ed.), 127,
§ 137, etc.,
repealed.

SECTION 22. Section one hundred and thirty-seven of said chapter one hundred and twenty-seven, as most recently amended by section forty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby repealed.

G. L. (Ter.
Ed.), 127,
§ 139, etc.,
amended.

SECTION 23. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and thirty-nine, as most recently amended by section fifty of said chapter four hundred and fifty-one, and inserting in place thereof the following: — *Section 139.* The power to grant a permit to be at liberty to any person sentenced or transferred to the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm, and to revoke, revise, alter or amend the same, shall remain in the parole board until the expiration of the maximum term of the sentence for the service of which the person was so committed or transferred, notwithstanding the subsequent transfer of such person to any other institution.

Permits.

G. L. (Ter.
Ed.), 127,
§ 158,
amended.

Aid to dis-
charged male
prisoners.

SECTION 24. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and fifty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 158.* The male agents employed to aid discharged male prisoners shall endeavor to secure employment for prisoners who have been permanently discharged or released on permit from the state prison, the state prison colony, the Massachusetts reformatory or the state farm, provide said prisoners with needed assistance, and perform such other duties relative to discharged or released prisoners as the commissioner requires. They shall also obtain information for the

commissioner relative to prisoners committed to institutions under his supervision, especially as to the details of their offences and their previous character and history. They may for that purpose require of the police authorities any facts in their possession relative to such prisoners if the communication thereof will not, in the opinion of said authorities, be detrimental to the public interest.

SECTION 25. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and sixty, as so appearing, and inserting in place thereof the following:—*Section 160.* The commissioner may expend such sum as may be appropriated for the assistance of prisoners released from the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm, or from any institution to which they were removed therefrom.

G. L. (Ter. Ed.), 127, § 160, amended.

Expenditures.

SECTION 26. Section seventy-four of chapter one hundred and fifty-two of the General Laws, as most recently amended by section fifty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the tenth line, the word "seventy-eight" and inserting in place thereof the word:—seventy-seven.

G. L. (Ter. Ed.), 152, § 74, etc., amended.

Application of §§ 69-75.

SECTION 27. Chapter two hundred and sixty-six of the General Laws is hereby amended by striking out section one hundred and twenty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 123.* Whoever wilfully trespasses upon land or premises belonging to the commonwealth and appurtenant to the state prison, state prison colony, Massachusetts reformatory, reformatory for women, state farm, Tewksbury state hospital and infirmary, any public institution for the care of insane, feeble minded or epileptic persons, any Massachusetts training school, state charitable institution, or upon land or premises belonging to any county and appurtenant to a jail or house of correction, or, after notice from an officer of any of said institutions to leave said land, remains thereon, shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

G. L. (Ter. Ed.), 266, § 123, amended.

Trespassing on land of certain institutions.

SECTION 28. Section sixteen of chapter two hundred and sixty-eight of the General Laws, as amended by chapter three hundred and forty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the last sentence.

G. L. (Ter. Ed.), 268, § 16, etc., amended.

Sentences, etc.

Approved June 2, 1941.

AN ACT PROVIDING THAT CERTAIN LAWS AUTHORIZING THE ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION AND PREFERENTIAL VOTING SHALL APPLY TO THE CITY COUNCIL OF BOSTON.

Chap. 345

Be it enacted, etc., as follows:

Section one of chapter fifty-four A of the General Laws, as appearing in section one of chapter three hundred and

G. L. (Ter. Ed.), 54A, § 1, etc., amended.

forty-one of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the tenth and eleventh lines, the words "the city council of the city of Boston or", — so that the paragraph contained in the sixth to the twelfth lines, inclusive, will read as follows: —

Definition.

"Elective body" or "body" shall mean any body, board or commission of any city or town, whether or not any or all of its members are elected at large, including the school committee, the selectmen of a town and the legislative body of a city, or either branch thereof, but shall not include the town meeting members of any town.

Approved June 2, 1941.

Chap. 346 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO REMOVE VEHICLES FROM STATE HIGHWAYS WHEN SAID VEHICLES INTERFERE WITH THE REMOVAL OF SNOW AND ICE AND EMPOWERING CITIES AND TOWNS TO PROVIDE BY ORDINANCE OR BY-LAW FOR THE REMOVAL OF VEHICLES FROM WAYS THEREIN IN SUCH CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 21, new clause added.

SECTION 1. Section twenty-one of chapter forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting at the end the following new clause: —

Removal of vehicles interfering with highway work.

(16) For authorizing the superintendent of streets or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and for imposing liability for the cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle.

G. L. (Ter. Ed.), 85, new section 2A, added.

Removal of ice, etc., on state highway.

SECTION 2. Chapter eighty-five of the General Laws is hereby amended by inserting after section two, as appearing in the Tercentenary Edition, the following new section: —

Section 2A. The department, for the purpose of removing or plowing snow, or removing ice, from a state highway, may, by its own employees or with such other assistance as it may require, remove, or cause to be removed, to some convenient place, any vehicle interfering with such work. The department shall keep records of the registration number of each vehicle so removed and of the place to which it was removed.

Approved June 2, 1941.

Chap. 347 AN ACT RELATIVE TO THE ENGROSSMENT OF BILLS AND RESOLVES PASSED TO BE ENGROSSED BY THE GENERAL COURT.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite the making of certain legislative acts and resolves available to the public, there-

fore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter three of the General Laws is hereby amended by striking out section twenty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 23.* Bills and resolves passed to be engrossed by the general court, and bills for which initiative petitions are completed under the constitution of the commonwealth, shall, under the direction of the state secretary, be fairly engrossed on parchment or parchment paper in a plain and legible handwriting, written by a typewriting machine, or printed, without interlineation, and with a margin of not less than one inch on each side, and in engrossing bills for which initiative petitions are completed the enacting clause shall be in the form prescribed by section three of chapter four. Each sheet on which bills are so engrossed shall be eighteen inches long and thirteen inches wide, and each sheet on which resolves are so engrossed shall be fifteen inches long and ten inches wide. The secretary shall cause the acts and resolves of each session to be neatly and strongly bound in separate volumes of convenient size and lettered on the back with a designation of the contents and the legislative year. If such original engrossed acts or resolves are becoming illegible, he shall cause parchment or parchment paper copies thereof, similar to the originals, to be engrossed, and shall attest them. Such attested copies shall have the same force and effect as the originals.

G. L. (Ter. Ed.), 3, § 23, amended.

Engrossment of bills and resolves.

Approved June 4, 1941.

AN ACT TO PROVIDE FOR AN ADDITIONAL COURT OFFICER IN THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX.

Chap. 348

Be it enacted, etc., as follows:

Section sixty-two of chapter two hundred and eighteen of the General Laws, as most recently amended by section three of chapter three hundred and nine of the acts of the current year, is hereby further amended by inserting after the word "Chelsea" the following: —, the first district court of Eastern Middlesex, — so as to read as follows: — *Section 62.* In the municipal court of the city of Boston the court officers appointed shall not exceed ten for criminal business, one of whom shall be designated by the chief justice as chief court officer of said court for criminal business and one as an assistant chief court officer, nor five for civil business, one of whom shall be designated by said chief justice as chief court officer of said court for civil business; in the municipal court of the Roxbury district five court officers may be appointed; in the third district court of Eastern Middlesex and in the municipal court of the West Roxbury district three court officers may be appointed; in the municipal court of the South Boston district, of the Charlestown

G. L. (Ter. Ed.), 218, § 62, etc., amended.

Number of court officers.

district and of the Dorchester district, the East Boston district court, the district court of Chelsea, the first district court of Eastern Middlesex and the district court of East Norfolk two court officers for each court may be appointed; and in each of the other district courts in the commonwealth one court officer may be appointed.

Approved June 4, 1941.

Chap. 349 AN ACT DISSOLVING THE INDUSTRIAL DEFENSE ASSOCIATION, INC.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent without delay the continuance of activities by the corporation dissolved thereby, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The Industrial Defense Association, Inc., a Massachusetts corporation duly organized and established April twenty-sixth, nineteen hundred and twenty-six, is hereby dissolved, subject to sections fifty-one and fifty-two of chapter one hundred and fifty-five of the General Laws.

SECTION 2. Nothing in this act shall be construed to affect any suit pending by or against said corporation, or any suit now pending or hereafter brought for any liability now existing against the officers of said corporation, or to make valid any defect in the organization of said corporation.

SECTION 3. Suits upon choses in action arising out of any lawful activity by said corporation may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defense of which he might have availed himself in a suit upon the claim by said corporation, had it not been dissolved by this act.

Approved June 4, 1941.

Chap. 350 AN ACT RELATIVE TO REPRESENTATION OF CANDIDATES AND PETITIONERS BY AGENTS AT RECOUNTS, AND TO THE CONDUCT OF RECOUNTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 54, § 135,
etc., amended.

Section one hundred and thirty-five of chapter fifty-four of the General Laws, as most recently amended by chapter two hundred and thirty-six of the acts of the current year, is hereby further amended by striking out the second sentence of the paragraph appearing in chapter three hundred and three of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the two following sentences: — Each such candidate or person may also be represented by agents, appointed by him or his counsel in writing, suffi-

Representation
at recounts.

cient in number to provide one such agent for each officer counting or checking such ballots; provided, that no such candidate or person may have more than one such agent, other than his counsel, witnessing the work of any one officer at any one time. Each such candidate, person, counsel and agent shall have the right to watch and inspect the ballots, tally sheets and all other papers used in the recount, and to watch every individual act performed in connection therewith.

Approved June 4, 1941.

AN ACT MAKING CERTAIN CHANGES IN THE GENERAL LAWS NECESSITATED BY THE CHANGE IN THE NAME OF THE INSTITUTION FORMERLY KNOWN AS THE STATE INFIRMARY TO THE TEWKSBURY STATE HOSPITAL AND INFIRMARY AND CERTAIN OTHER MINOR PERFECTING CHANGES.

Chap. 351

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter five of the General Laws, as most recently amended by chapter one hundred and ninety-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the twenty-first line of the second paragraph amended by said chapter one hundred and ninety-six, the word "state" the first time it occurs and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 5, § 3, etc., amended.

Annual distribution of the laws.

SECTION 2. Chapter eighteen of the General Laws is hereby amended by striking out section eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 8.* There shall be a board of trustees of the Tewksbury state hospital and infirmary serving in the division and consisting of five men and two women, three of whom shall annually in June be appointed by the governor, with the advice and consent of the council, for three years each, except that in the year nineteen hundred and forty-two and every third year thereafter only one such trustee shall be so appointed.

G. L. (Ter. Ed.), 18, § 8, amended.

Trustees of Tewksbury state hospital.

SECTION 3. Section four of chapter forty of the General Laws, as amended, is hereby further amended by striking out, in the twelfth line as appearing in the Tercentenary Edition, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 40, § 4, etc., amended.

Municipal power to contract.

SECTION 4. Section sixteen of chapter forty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 46, § 16, amended.

Blank forms.

SECTION 5. Said chapter forty-six is hereby further amended by striking out section twenty, as so appearing, and inserting in place thereof the following: — *Section 20.* The superintendent of the Tewksbury state hospital and infirmary shall obtain, record and make return of the facts relative to births and deaths therein in the same manner as town

G. L. (Ter. Ed.), 46, § 20, amended.

Superintendent to make returns.

clerks. The clerk of the town where said institution is located shall, relative to the births and deaths therein, be exempt from the duties otherwise required of him by this chapter.

G. L. (Ter. Ed.), 69, § 7, etc., amended.

Correspondence courses.

SECTION 6. Section seven of chapter sixty-nine of the General Laws, as most recently amended by chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the thirteenth line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 113, § 1, amended.

Disposition of bodies.

SECTION 7. Section one of chapter one hundred and thirteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 117, § 17, etc., amended.

Support, etc., of indigent persons.

SECTION 8. Section seventeen of chapter one hundred and seventeen of the General Laws, as most recently amended by chapter three hundred and seventy of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 117, § 18, etc., amended.

Aid to certain state charges.

SECTION 9. Said chapter one hundred and seventeen is hereby further amended by striking out section eighteen, as amended by chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: — *Section 18.* A town may furnish temporary aid to poor persons found therein, having no lawful settlements within the commonwealth, if the board of public welfare consider it for the public interest; and the board of public welfare shall in every case give written notice within ten days to the department of public welfare, which shall examine the case and order such aid as it deems expedient. If it directs a discontinuance of such aid, it shall remove such persons to said hospital and infirmary or to any state or place where they belong, if their necessities or the public interests require it, and the superintendent of that institution shall receive the persons removed thereto as if they were sent there in accordance with section seven of chapter one hundred and twenty-two. A detailed statement of expenses so incurred shall be rendered, and after approval by the department such expenses shall be paid by the commonwealth, without reduction on account of work or service rendered by the persons so aided in return for such aid. If any such person refuses to submit to removal, the department or any of its officers or agents may apply to the district court of the district where such person resides, for an order directing that such removal be made. Upon such application the court shall forthwith cause a summons to be served upon the person so refusing, and, if he be a minor, upon his parent or guardian, requiring the attendance of the person so summoned at a time and place appointed therein for hearing; and at such time and place shall hear and examine upon oath such person or persons, and shall

hear such other evidence as may be material. If upon hearing it appears that the person sought to be removed is without a legal settlement in this commonwealth and is unable to support himself, and that his necessities or the public interests require his removal, the court shall issue an order in writing, directed to a duly constituted officer or agent of the department, reciting that such person appears to be a state charge, and that his necessities or the public interests require his removal, and commanding such officer or agent to remove him to said institution or to any other state institution designated by the department, and such officer or agent shall thereupon make the removal as ordered. After the removal is made such officer or agent shall file such order, with his return thereon, with the clerk of the court from which it was issued. In every case where a removal is ordered a detailed statement of the expense incurred by any town for the support of the person so removed while application for his removal was pending before the court shall be rendered, and after approval by the department shall be paid by the commonwealth. Reimbursement by the commonwealth under the provisions hereof shall be subject to the provisions of section forty-two of chapter one hundred and twenty-one.

SECTION 10. Section twenty-two of chapter one hundred and nineteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 119, § 22, amended.

Custody of certain infants.

SECTION 11. Section six of chapter one hundred and twenty-one of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 121, § 6, amended.

Supervision of state institutions.

SECTION 12. Section seven of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the eighth line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and,—and by striking out, in the eleventh line, the word "infirmary" and inserting in place thereof the words:—first mentioned institution.

G. L. (Ter. Ed.), 121, § 7, amended.

Visitations.

SECTION 13. Section nine of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the eighth line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 121, § 9, amended.

Transfers.

SECTION 14. Section twelve of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the third line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 121, § 12, amended.

Removals.

SECTION 15. Section thirteen of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the third line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and,

G. L. (Ter. Ed.), 121, § 13, amended.

Admissions.

G. L. (Ter. Ed.), 121, § 15, amended.

Sick juvenile offenders.

SECTION 16. Section fifteen of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the first line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and,—and by striking out, in the fifth line, the words "the state" and inserting in place thereof the words:—said hospital and.

G. L. (Ter. Ed.), 121, § 39, amended.

Statistical forms.

SECTION 17. Section thirty-nine of said chapter one hundred and twenty-one, as so appearing, is hereby amended by striking out, in the second line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and,—and by striking out, in the tenth line, the word "the" and inserting in place thereof the words:—said hospital and.

G. L. (Ter. Ed.), title, amended.

SECTION 18. The title of chapter one hundred and twenty-two of the General Laws is hereby amended by striking out the words "State Infirmary" and inserting in place thereof the words:—Tewksbury State Hospital and Infirmary.

G. L. (Ter. Ed.), 122, § 1, amended.

Trustees.

SECTION 19. Section one of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following:—The trustees of the Tewksbury state hospital and infirmary, in this chapter called the trustees, shall hold monthly meetings at said hospital and infirmary,—and by striking out, in the fourth line, the words "of the state infirmary" and inserting in place thereof the word:—thereof.

G. L. (Ter. Ed.), 122, § 2, amended.

Rules.

SECTION 20. Section two of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the third line, the words "the state" and inserting in place thereof the words:—said hospital and.

G. L. (Ter. Ed.), 122, § 2A, amended.

Powers, etc.

SECTION 21. Section two A of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the fifth line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 122, § 2B, etc., amended.

Deposits.

SECTION 22. Section two B of said chapter one hundred and twenty-two of the General Laws, inserted by chapter two hundred and ninety-five of the acts of nineteen hundred and thirty-six, is hereby amended by striking out, in the second line, the word "state" and inserting in place thereof the words:—Tewksbury state hospital and.

G. L. (Ter. Ed.), 122, § 2C, etc., amended.

Funds.

SECTION 23. Section two C of said chapter one hundred and twenty-two, inserted as aforesaid, is hereby amended by striking out, in the third line, the words "the state" and inserting in place thereof the words:—said hospital and,—by striking out, in the fifth line, the words "of said state infirmary" and inserting in place thereof the word:—thereof,—and by striking out, in the twelfth line, the words "of the state infirmary".

G. L. (Ter. Ed.), 122, § 2D, etc., amended.

SECTION 24. Said chapter one hundred and twenty-two is hereby further amended by striking out section two D,

inserted as aforesaid, and inserting in place thereof the following: — *Section 2D.* Property known as “Patients’ Valuables”, belonging to, or deposited for the benefit of, former patients of said institution, which shall have remained unclaimed for more than one year, shall be disposed of as hereinafter provided, by the superintendent thereof and a representative of the trustees designated by them, acting as a special board for said purpose, but only if all known next of kin of the former patient shall have been notified in writing by the said superintendent. The board shall ascertain whether the property has any sale value and, if so, shall solicit from at least three reputable dealers in like property offers for the purchase thereof, and shall sell the same to the dealer offering the highest price. The proceeds of such sale shall become a part of the “Patients’ Funds” and shall be disposed of as provided in section two C. The board may dispose of such of said property as, in its opinion, has no sale value, or any of said property for which no offer, solicited as aforesaid, has been received, in such manner as it may deem proper. A complete record of each transaction hereunder shall be made and signed by both members of the board and filed with the other records at said institution relating to the former patient whose property shall have been disposed of as aforesaid.

Patients’
valuables.

SECTION 25. Said chapter one hundred and twenty-two is hereby further amended by striking out section two E, inserted as aforesaid, and inserting in place thereof the following: — *Section 2E.* Any bank book representing a deposit account in a savings bank or trust company within the commonwealth, which belongs to a former patient of said institution and shall have remained unclaimed for more than two years in the custody of the superintendent thereof, may be presented by the trustees to such bank or trust company accompanied by their written request for payment to them of such deposit account except so much as is in excess of the amount due the commonwealth for the support of such patient, and such bank or trust company shall thereupon pay to the trustees the amount so requested.

G. L. (Ter.
Ed.), 122, § 2E,
etc., amended.

Disposition of
bank books.

SECTION 26. Section three of said chapter one hundred and twenty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words “the state” and inserting in place thereof the words: — said hospital and.

G. L. (Ter.
Ed.), 122, § 3,
amended.

Powers of
trustees.

SECTION 27. Section four of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the second line, the words “the state” and inserting in place thereof the words: — said hospital and.

G. L. (Ter.
Ed.), 122, § 4,
amended.

Superintendent.

SECTION 28. Section five of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the third line, the words “infirmary hospital” and inserting in place thereof the words: — hospital at the Tewksbury state hospital and infirmary.

G. L. (Ter.
Ed.), 122, § 5,
amended.

Resident
physician.

G. L. (Ter. Ed.), 122, § 6, etc., amended.

Support by kindred.

SECTION 29. Section six of said chapter one hundred and twenty-two, as most recently amended by chapter three hundred and forty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the first line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 122, § 8, amended.

Contracts.

SECTION 30. Section eight of said chapter one hundred and twenty-two, as appearing in the Tercenary Edition, is hereby amended by striking out, in the third line, the word "state" and inserting in place thereof the words: — said hospital and, — and by striking out, in the fifth line, the words "the infirmary" and inserting in place thereof the words: — said institution.

G. L. (Ter. Ed.), 122, § 10, amended.

Liability for support.

SECTION 31. Section ten of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the first line, the words "the state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 13, amended.

Dangerous insane.

SECTION 32. Section thirteen of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the first line, the word "state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 14, amended.

Care of unsettled dependents.

SECTION 33. Section fourteen of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the first line, the words "the state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 15, etc., amended.

Transportation expenses.

SECTION 34. Section fifteen of said chapter one hundred and twenty-two, as most recently amended by chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the first line, the words "the state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 16, amended.

Removal of sick persons.

SECTION 35. Section sixteen of said chapter one hundred and twenty-two, as appearing in the Tercenary Edition, is hereby amended by striking out, in the third line, the words "the state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 17, amended.

Care of sick.

SECTION 36. Section seventeen of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the first line, the words "the state" and inserting in place thereof the words: — said hospital and.

G. L. (Ter. Ed.), 122, § 18, etc., amended.

Reimbursement.

SECTION 37. Section eighteen of said chapter one hundred and twenty-two of the General Laws, as amended by chapter three hundred and seventy-eight of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the fifth line, the words "the state" and inserting in place thereof the words: — said hospital and, — and by striking out, in the twelfth and thirteenth lines, the words "the state infirmary" and inserting in place thereof the words: — said institution.

G. L. (Ter. Ed.), 122, § 20, amended.

Commitment of insane.

SECTION 38. Section twenty of said chapter one hundred and twenty-two, as appearing in the Tercenary Edition, is hereby amended by striking out, in the first line, the words "the state" and inserting in place thereof the words: — said

hospital and, — and by striking out, in the second line, the words "to the state infirmary" and inserting in place thereof the word: — thereto.

SECTION 39. Section twenty-three of said chapter one hundred and twenty-two, as so appearing, is hereby amended by striking out, in the first line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 122, § 23, amended.
Escapes.

SECTION 40. Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section twenty-two, as so appearing, and inserting in place thereof the following: — *Section 22.* The department shall have the same authority with regard to the transfer of insane inmates of the wards of the Tewksbury state hospital and infirmary now or hereafter used for the care of the insane, which it has over the transfer of inmates of state hospitals, under section twenty; but the said wards shall remain under the jurisdiction of the trustees of said hospital and infirmary and the control of its superintendent.

G. L. (Ter. Ed.), 123, § 22, amended.

Care of insane, etc.

SECTION 41. Section ninety-six of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the third line, the word "state" the first time it appears and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 123, § 96, amended.

Support.

SECTION 42. Section ninety-six of chapter one hundred and twenty-seven of the General Laws, as so appearing, is hereby amended by striking out, in the seventh line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 127, § 96, amended.

Removal of children.

SECTION 43. Section one hundred and eighteen of said chapter one hundred and twenty-seven, as most recently amended by chapter four hundred and fifty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the eighth line, the word "state" and inserting in place thereof the words: — Tewksbury state hospital and.

G. L. (Ter. Ed.), 127, § 118, etc., amended.

Female prisoners.

Approved June 4, 1941.

AN ACT MAKING CHANGES IN THE LAWS RELATIVE TO THE NUMBER OF BLANK SPACES TO BE PROVIDED ON BALLOTS AT CERTAIN PRIMARIES.

Chap. 352

Be it enacted, etc., as follows:

Section thirty-four of chapter fifty-three of the General Laws, as most recently amended by section nine of chapter four hundred and seventy-three of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 53, § 34, etc., amended.

No names shall be printed on a ballot other than those received on nomination papers. Immediately following the names of candidates on ballots at city and town primaries, blank spaces equal to the number of persons to be chosen

Ballots, blank spaces on, at primaries.

shall be provided for the insertion of other names. Immediately following the names of candidates on ballots at state and presidential primaries, where there are fewer names than there are persons to be chosen, blank spaces shall be provided, equal in number to the deficiency, for the insertion of other names.

Approved June 4, 1941.

Chap.353 AN ACT TO FURTHER PREVENT POLLUTION OF THE CHARLES RIVER.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 111,
§ 175, amended.

Protection
of Charles
river.

Chapter one hundred and eleven of the General Laws is hereby amended by striking out section one hundred and seventy-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 175.* The department may make reasonable orders, having due regard for the particular circumstances of each case, prohibiting the entrance or discharge of sewage into any part of the Charles river or its tributaries, and preventing the entrance or discharge therein of any other substance which may be injurious to the public health or may tend to create a public nuisance or to obstruct the flow of water, including all waste or refuse from any factory or other establishment where persons are employed. Any finding of fact made by the department in making such an order shall be prima facie evidence in any proceeding to enforce such order. The department shall consult and advise with the owner of any factory or other establishment, or with any municipality, discharging any substance into the Charles river or any of its tributaries, at his or its request or of the department's own motion, as to the best practicable and reasonably available means of rendering such substance harmless. The supreme judicial and the superior court shall have jurisdiction in equity to enforce any order made by the department hereunder. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney general upon the request of the department. Whoever violates any order of the department made under any provision of this section shall be punished by a fine of not less than twenty-five nor more than five hundred dollars. Nothing herein shall affect any powers of the metropolitan district commission under section thirty-nine or seventy-six of chapter ninety-two.

Approved June 5, 1941.

Chap.354 AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-eight of the Special Acts of nineteen hundred and seventeen is hereby amended by striking out section five and inserting in place

thereof the following section:— *Section 5.* Every person retired under the provisions of sections one and two of this act shall receive from the city an annual pension or compensation equal to one half of the highest salary or other compensation received by him while he was holding the grade held by him at his retirement. Payments shall be made in the same manner and at the same time as payments of salary or other compensation to firemen in active service.

SECTION 2. This act shall apply to the retirement allowances of firemen retired by said city since January first, nineteen hundred and thirty-one, and prior to the effective date of this act, as well as to those retired after said effective date, but subject to section ten of chapter two hundred and eighty-five of the acts of nineteen hundred and thirty-four, as amended by section ten of chapter one hundred and two of the acts of nineteen hundred and thirty-seven.

Approved June 5, 1941.

AN ACT AUTHORIZING THE TOWN OF FRAMINGHAM TO MAKE JOHN L. REGAN ELIGIBLE TO CERTAIN RETIREMENT RIGHTS UPON BECOMING A MEMBER OF THE RETIREMENT SYSTEM OF SAID TOWN. *Chap. 355*

Be it enacted, etc., as follows:

SECTION 1. John L. Regan, a police officer of the town of Framingham, who was shot and permanently disabled while in the performance of his duty, upon his becoming a member of the contributory retirement system of said town, with prior service credit, shall be eligible for accidental disability retirement.

SECTION 2. This act shall take full effect upon its acceptance by the town of Framingham at an annual town meeting, or at a special town meeting called for the purpose, but not otherwise.

Approved June 5, 1941.

AN ACT PROHIBITING THE SALE BETWEEN ONE O'CLOCK ANTE MERIDIAN AND ONE O'CLOCK POST MERIDIAN ON CHRISTMAS DAY OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES. *Chap. 356*

Be it enacted, etc., as follows:

Section thirty-three of chapter one hundred and thirty-eight of the General Laws, as most recently amended by chapter two hundred and sixty-eight of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "meridian" in the seventeenth line the words: — , no licensee under section twelve shall sell any such beverages on Christmas day, or on the day following when Christmas day occurs on Sunday, between one o'clock ante meridian and one o'clock post meridian, — so as to read as follows:— *Section 33.* No licensee under section twelve shall sell and no licensee under section fifteen shall

G. L. (Ter. Ed.), 138, § 33, etc., amended.

Sales on Christmas day regulated.

sell or deliver any alcoholic beverages, and no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a physician's prescription, during polling hours on any day on which a state or municipal election, caucus or primary is held in the city or town in which such licensed place is conducted; provided, that the foregoing restrictions shall not apply in the case of such an election, primary or caucus if the local licensing authorities issue an order to that effect applicable alike to all licensees of every class subject to such restrictions. No holder of a tavern license shall sell any alcoholic beverages on Sundays, no other licensee under section twelve shall sell any such beverages on Sundays before one o'clock post meridian, no licensee under section twelve shall sell any such beverages on Christmas day, or on the day following when Christmas day occurs on Sunday, between one o'clock ante meridian and one o'clock post meridian, no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a prescription on Sundays or legal holidays, no licensee under section fifteen shall sell or deliver any alcoholic beverages on Sundays or on May thirtieth, Thanksgiving day or Christmas day or on the day following when May thirtieth or Christmas day occurs on Sunday, or on any other legal holiday before one o'clock post meridian and no licensee under any other section of this chapter for the sale of alcoholic beverages not to be drunk on the premises shall sell or deliver any such beverages or alcohol on Sundays or legal holidays.

Approved June 5, 1941.

Chap. 357 AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO MAKE JOHN RICHASON ELIGIBLE TO CERTAIN RETIREMENT RIGHTS UPON BECOMING A MEMBER OF THE CONTRIBUTORY RETIREMENT SYSTEM OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. John Richason, a police officer of the town of Montague, who was permanently disabled while in the performance of his duty, upon his becoming a member of the contributory retirement system of said town shall be eligible for accidental disability retirement.

SECTION 2. This act shall take full effect upon its acceptance by the town of Montague at an annual town meeting, or at a special town meeting called for the purpose, but not otherwise.

Approved June 5, 1941.

AN ACT ESTABLISHING IN THE TOWN OF WEYMOUTH A MUNICIPAL BUILDING INSURANCE FUND COMMISSION AND FIXING ITS DUTIES. *Chap. 358*

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Weymouth a commission to be known as the Weymouth municipal building insurance fund commission, hereinafter called the commission, to consist of the town treasurer, the town clerk and the town accountant of said town, who shall choose from among their membership a chairman and a secretary. The action of any two of the members shall constitute the action of the commission; and whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by any two of the members. Such members shall receive no additional compensation for acting hereunder, but shall be paid by the town for necessary traveling and other expenses incurred in the performance of their duties hereunder. The commission shall have charge of the management and administration of the Municipal Building Insurance Fund and shall annually file with the board of selectmen of said town an itemized and detailed statement of the receipts and expenditures of the commission.

SECTION 2. Section one shall take full effect upon its acceptance by vote of the town meeting members of said town at any town meeting held within three years following the passage of this act, but not otherwise.

Approved June 5, 1941.

AN ACT RELATIVE TO THE USE OF CERTAIN PARK LAND IN THE CITY OF HAVERHILL FOR PARKING PURPOSES. *Chap. 359*

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill is hereby authorized to discontinue the use for park purposes of a portion of Memorial park, so called, in said city, between the rear of the sanitary station and the pumping station and bordering on Gilman place and bounded and described as follows:

Beginning at a point in the easterly line of Gilman place eighty-four feet south of the southeasterly corner of a stone bound marking the northerly end of the easterly line of said Gilman place; thence running north seventy-three degrees, eight minutes east, a distance of eighty-one and fifteen one hundredths feet to a point in the division line separating land of the United States of America from land of the city of Haverhill, which point is eighty-four and sixty-one one hundredths feet from the southerly line of Washington square measured along the said division line; thence running south twenty-three degrees, thirty-one minutes east by said division line, a distance of one hundred and eleven and fifty-six one hundredths feet to land taken by said

city, under authority of chapter four hundred and five of the acts of nineteen hundred and thirty-seven, for the construction and operation of a pumping station in connection with certain flood protection works there constructed; thence running south sixty-six degrees, forty-nine minutes west by said last mentioned land, a distance of ninety-four and fifty-seven one hundredths feet to a point in the easterly line of Gilman place; thence running north sixteen degrees, fifty-four minutes west by said line of Gilman place, a distance of one hundred and twenty-one and thirteen one hundredths feet to the point of beginning; containing ten thousand, one hundred and thirty-seven square feet; and thereafter to use and maintain said land for parking purposes under the control of the public property department of the said city.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the municipal council of the city of Haverhill, but not otherwise.

Approved June 5, 1941.

Chap. 360 AN ACT DESIGNATING A CERTAIN HIGHWAY AS THE YANKEE DIVISION HIGHWAY.

Be it enacted, etc., as follows:

The highway known as route 128 shall hereafter be designated and known as the Yankee Division Highway. The department of public works is hereby authorized and directed to erect along said highway suitable markers bearing said designation.

Approved June 5, 1941.

Chap. 361 AN ACT CHANGING THE PERSONNEL OF THE BOARD OF APPEAL IN THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty of the acts of nineteen hundred and twenty is hereby amended by striking out section one and inserting in place thereof the following section: — *Section 1.* There shall be established in the city of Malden a board to be known as the board of appeal, three members of which shall be the inspector of buildings, the chairman of the assessors of taxes and the fire chief or a deputy fire chief, as designated by the fire commissioner, ex officiis, and two shall be appointed by the mayor subject to confirmation by the board of aldermen.

One of the members appointed by the mayor shall be a practical builder or architect and one shall be a lawyer. The term of office of the members so appointed shall be three years, except that the term of one of said initial appointees shall expire on the first day of March, nineteen hundred and twenty-two, and the term of office of the other initial appointee shall expire on the first day of March, nineteen hundred and twenty-three. The mayor may remove

any member by him appointed, with the consent of the board of aldermen, and may fill all vacancies. The members appointed by the mayor shall each receive as compensation for his services the sum of ten dollars a day for each day of actual service; provided, that no member shall receive more than two hundred dollars in any one year.

The members of said board shall be residents of the city of Malden. No member shall act in any case in which he is interested, and in case any member is so disqualified or is absent from illness or other cause the remaining members shall designate a substitute. Every decision of the board shall be in writing and shall require the assent of at least three members. The inspector of buildings shall be chairman of the board, but shall have no vote except in case of a tie.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1941.

AN ACT AUTHORIZING THE CITY OF MALDEN TO VOTE ON THE QUESTION OF ADOPTING A PLAN B FORM OF CITY CHARTER AT ITS REGULAR MUNICIPAL ELECTION IN THE CURRENT YEAR. Chap. 362

Be it enacted, etc., as follows:

SECTION 1. The question of the adoption by the city of Malden of a Plan B form of city charter under the provisions of chapter forty-three of the General Laws, as amended, may be submitted to the voters of said city at its regular municipal election in November of the current year, notwithstanding the requirement of section nine of said chapter forty-three that such question be submitted to the voters of a city at a biennial state election; provided, that the other provisions of said chapter forty-three prerequisite to the submission to the voters of such question shall have been complied with.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1941.

AN ACT PROVIDING THAT DECLARATIONS OF DECEASED PERSONS SHALL NOT BE INADMISSIBLE IN EVIDENCE AS PRIVATE CONVERSATIONS BETWEEN HUSBAND AND WIFE IN CERTAIN CASES. Chap. 363

Be it enacted, etc., as follows:

SECTION 1. Section sixty-five of chapter two hundred and thirty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "hearsay" in the second line the words: — or as private conversation between husband and wife, as the case may be, — so as to read as follows: — *Section 65.* A declaration of a deceased person shall not be inadmissible in evidence as hearsay or as private conversation between

G. L. (Ter. Ed.), 233, § 65, amended.

Declarations of deceased persons.

husband and wife, as the case may be, if the court finds that it was made in good faith before the commencement of the action and upon the personal knowledge of the declarant.

Effective
date.

SECTION 2. This act shall take effect on October first in the current year.

Approved June 5, 1941.

Chap. 364 AN ACT AUTHORIZING THE MERGER OR CONSOLIDATION OF
INSURANCE COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175,
§ 19A, etc.,
amended.

Merger.

SECTION 1. Chapter one hundred and seventy-five of the General Laws is hereby amended by striking out section nineteen A, as amended by section two of chapter one hundred and thirty-seven of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following section: — *Section 19A.* Two or more domestic companies may merge or consolidate into one corporation, or a domestic company may merge or consolidate with any company or companies organized under the laws of any state of the United States into one corporation, which shall be a domestic corporation. The resulting corporation may be a continuing corporation under the name of one or more of the merged or consolidated corporations or a new corporation whose title shall be subject to the provisions of section forty-nine. Companies merging or consolidating under this section shall enter into a written agreement for such merger or consolidation prescribing its terms and conditions, the classes of business it proposes to transact subject to sections forty-eight, forty-eight A, fifty-one and fifty-four, the amount of the capital stock, if any, of the continuing corporation or of the new corporation, which shall not be a larger amount than the aggregate amount of the capital stock of the merged or consolidated companies nor less than the minimum amount specified in said sections forty-eight and fifty-one, and the number of shares into which said capital stock is to be divided. In all respects, the continuing corporation or the new corporation shall be subject to the provisions of this chapter, except as otherwise expressly provided in this section. Such agreement shall be assented to by a vote of the majority of the board of directors of each company and approved by the votes of the stockholders, if any, owning at least two thirds of the stock of each company at a meeting called for the purpose, notice of which meeting shall be given in accordance with law, and also published at least once a week for three successive weeks in some newspaper printed in the commonwealth, and if any of the merging or consolidating companies are domiciled outside of the commonwealth at least once a week for three successive weeks in some newspaper printed in the town where such company has its principal office, or, if there are no stockholders, such agreement shall be assented to by a vote of the majority of

the board of directors of each company and approved by the votes of at least two thirds of such policyholders of each company as are present and voting at a special meeting called for the purpose, notice of which meeting shall be given as hereinbefore provided. Such agreement shall be subject to the written approval of the commissioner, shall be executed in duplicate by the president and secretary and by a majority of the board of directors of each company under its corporate seal, shall be accompanied by copies of the resolutions authorizing the merger or consolidation and the execution of the agreement attested by the recording officer of each company and shall, with the records of the companies pertaining thereto, be submitted to the commissioner. If it appears that the requirements of this section have been complied with, the commissioner may so certify and approve the agreement by his endorsement thereon. One of the duplicates of such agreement shall thereupon be filed with the state secretary, who shall cause the same to be recorded and shall issue a certificate of reincorporation to the continuing corporation or the new company with the powers retained and specified in the agreement, and the other duplicate shall be retained by the commissioner. No such agreement shall take effect until it has been filed in the office of the state secretary as aforesaid. The continuing corporation or the new company may require the return of the original certificates of stock held by each stockholder in each of the companies merged or consolidated and issue in lieu thereof new certificates for such number of shares of its own stock as the stockholder may be entitled to receive. Upon such merger or consolidation all rights and properties of the several companies shall accrue to and become the property of the continuing corporation or the new company which shall succeed to all the obligations and liabilities of the merged or consolidated companies, in the same manner as if they had been incurred or contracted by it. The stockholders or policyholders of the merged or consolidated companies shall continue to be subject to all the liabilities, claims and demands existing against them at or before such merger or consolidation. No action or proceeding pending at the time of the merger or consolidation in which any or all of the companies merged or consolidated may be a party shall abate or be discontinued by reason of the merger or consolidation, but the same may be prosecuted to final judgment in the same manner as if the merger or consolidation had not taken place, or the continuing corporation or the new company may be substituted in place of any company so merged or consolidated by order of the court in which the action or proceeding may be pending. Nothing in this section shall authorize the merger or consolidation of stock companies with mutual companies.

SECTION 2. Said chapter one hundred and seventy-five is hereby further amended by striking out section nineteen B, inserted by chapter three hundred and seventy-five of

G. L. (Ter. Ed.), 175, § 19B, etc., amended.

Merger of
domestic and
foreign cor-
poration.

the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:— *Section 19B.* A domestic company, or two or more domestic companies transacting the same class or classes of business or together transacting one or more classes of business for the transaction of which a domestic company may be formed under section forty-eight or forty-eight A, may merge under the laws of any state of the United States, other than this commonwealth, into a foreign company incorporated under the laws of such state and duly authorized to transact in the commonwealth the same class or classes of business as such domestic company or companies, or may consolidate under the laws of any such state with one or more foreign companies duly authorized as aforesaid which are incorporated, or any one of which is incorporated, under the laws of such state, and form a continuing corporation or a new corporation under such laws which shall not transact business in the commonwealth until it shall have complied with the provisions of this chapter relative to the admission and authorization of foreign companies. Nothing in this section shall authorize the merger or the consolidation of stock companies with mutual companies.

No such merger or consolidation shall be made unless it is evidenced by a written agreement assented to by a vote of the majority of the board of directors of each domestic company participating in such merger or consolidation and, if such domestic company is a stock company, approved by the votes of the stockholders owning at least two thirds of the capital stock of such company at a special meeting called for the purpose and, if it is a mutual company, approved by the votes of at least two thirds of such policyholders as are present and voting at a special meeting called as aforesaid. Notice of any such meeting shall be given in accordance with law and shall also be published at least once a week for three successive weeks in such newspaper or newspapers printed in the commonwealth and in such form as the commissioner shall direct.

No such agreement shall be made by any domestic company until a copy thereof, and such other information as the commissioner may require, has been filed with him, nor until it has received from the commissioner a written authorization, in such form as he may prescribe, authorizing it to merge or consolidate and to execute such agreement. The commissioner may, in his discretion, refuse to issue such an authorization in any case, and his decision shall be final.

The secretary of any such domestic company shall forthwith upon the execution of such agreement file with the commissioner, in such form as he may require, documentary evidence thereof, showing the effective date when the merger or the consolidation shall become effective. If the commissioner finds that such agreement has been executed in

accordance with his authorization, he shall file forthwith in the office of the state secretary a certificate setting forth the fact, including said effective date, and the corporate existence of such company shall cease and determine on said effective date.

The stockholders or the policyholders of any domestic company so merging or consolidating shall continue to be subject to all the liabilities, claims and demands existing against them at or before such merger or consolidation. No action or proceeding pending in any court of the commonwealth at the time of the merger or consolidation in which any such domestic company may be a party shall abate or be discontinued by reason of the merger or the consolidation, but may be prosecuted to final judgment in the same manner as if the merger or the consolidation had not taken place, or the continuing, surviving or resulting company may be substituted in place of any such domestic company by order of the court in which the action or proceeding is pending.

SECTION 3. Said chapter one hundred and seventy-five is hereby further amended by inserting after section nineteen B, as so inserted, the following new section: — *Section 19C.* If any stockholder of either of the corporations merging or consolidating under the authority of section nineteen A or nineteen B does not vote in favor of the proposed merger or consolidation, he shall have, and may exercise, the rights given to a stockholder of a business corporation under section forty-six of chapter one hundred and fifty-six.

G. L. (Ter. Ed.), 175, new section 19C, added.

Rights of stockholders.

Approved June 6, 1941.

AN ACT RELATIVE TO THE ELECTION OF DIRECTORS OF CERTAIN MUTUAL INSURANCE COMPANIES HAVING A GUARANTY CAPITAL.

Chap. 365

Be it enacted, etc., as follows:

SECTION 1. Section seventy-seven of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eighth line, the word "stockholders" and inserting in place thereof the words: — shareholders and one half from the policyholders who are not shareholders, — so that the first paragraph will read as follows: — Every such company shall elect by ballot a board of directors as provided in and subject to section fifty-seven, except that it shall consist of not less than seven members and that five shall constitute a quorum. After the first election members only shall be eligible, but no director shall be disqualified from serving the term for which he was elected by reason of the termination of his policy. Such companies having a guaranty capital shall choose one half of the directors from the shareholders and one half from the policyholders who are not shareholders.

G. L. (Ter. Ed.), 175, § 77, amended.

Election of directors.

Effect of
act limited.

SECTION 2. Nothing in this act shall be construed to affect or terminate the term of office of any director of any mutual insurance company referred to in the first paragraph of section seventy-seven of chapter one hundred and seventy-five of the General Laws, as amended by section one of this act, who was chosen under authority of the first paragraph of said section seventy-seven as in force prior to the effective date of this act. *Approved June 10, 1941.*

Chap. 366 AN ACT REQUIRING MEDICAL EXAMINERS TO NOTIFY THE DEPARTMENT OF INDUSTRIAL ACCIDENTS OF DEATH IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 38, § 7,
amended.

Reports to
district attor-
ney, court and
department of
industrial
accidents in
certain cases.

Section seven of chapter thirty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventeenth line, the words "the preceding section" and inserting in place thereof the words: — section six, — and by inserting after the word "died" in the nineteenth line the following: —, and to the department of industrial accidents in cases where death, in his opinion, was caused by or related to the occupation of the deceased, — so as to read as follows: — *Section 7.* He shall forthwith file with the district attorney for his district a report of each autopsy and view and of his personal inquiries, with a certificate that, in his judgment, the manner and cause of death could not be ascertained by view and inquiry and that an autopsy was necessary. The district attorney, if he concurs, shall so certify to the commissioners of the county where the same was held, or in Suffolk county, to the auditor of Boston. If upon such view, personal inquiry or autopsy, the medical examiner is of opinion that the death may have been caused by the act or negligence of another, he shall at once notify the district attorney and a justice of a district court or trial justice within whose jurisdiction the body was found, if the place where found and the place of the said act or negligence are within the same county, or if the latter place is unknown; otherwise, the district attorney and such a justice within whose district or jurisdiction the said act or negligence occurred. He shall also file with the district attorney thus notified, and with the justice or in his court, an attested copy of the record of the autopsy made as provided in section six. He shall in all cases certify to the town clerk or registrar in the place where the deceased died, and to the department of industrial accidents in cases where death, in his opinion, was caused by or related to the occupation of the deceased, his name and residence, if known; otherwise a description as full as may be, with the cause and manner of death. *Approved June 10, 1941.*

AN ACT RELATIVE TO THE NUMBER OF TOWN MEETING MEMBERS IN THE TOWN OF SAUGUS. *Chap. 367*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter fifty-five of the acts of nineteen hundred and twenty-eight is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Other than the officers designated in section three as town meeting members *ex officio*, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total town meeting membership to be as nearly two hundred and forty as may be.

SECTION 2. This act shall take effect for the purpose of the nomination and election of town meeting members of the town of Saugus to be elected following the next revision of the precincts of said town under authority of section two of chapter fifty-five of the acts of nineteen hundred and twenty-eight, but shall not be construed to affect or to terminate the term of office of any elected town meeting member of said town prior to the qualification of the town meeting members of said town elected at the annual town meeting of said town held next after such revision.

Approved June 10, 1941.

AN ACT RELATIVE TO ANNUAL VACATIONS FOR CERTAIN EMPLOYEES OF CERTAIN CITIES AND TOWNS. *Chap. 368*

Be it enacted, etc., as follows:

Chapter forty-one of the General Laws is hereby amended by striking out section one hundred and eleven, as most recently amended by chapter fifteen of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section: — *Section 111.* In any city or town which has accepted chapter two hundred and seventeen of the acts of nineteen hundred and fourteen or has accepted this section in any form, or which accepts this section in the manner hereinafter provided, or has accepted earlier provisions of this section, all permanent civil service employees as well as persons classified as common laborers, skilled laborers, mechanics or craftsmen, regularly employed by such city or town, shall be granted an annual vacation of not less than two weeks without loss of pay. Such vacations shall be granted by the heads of the respective departments of the city or town at such time as in their opinion will cause the least interference with the performance of the regular work of the city or town. A person shall be deemed to be regularly employed, within the meaning of this section, if he has actually worked for the city or town for thirty-two weeks in

G. L. (Ter. Ed.), 41, § 111, etc., amended.

Annual vacations.

the aggregate during the preceding calendar year. Any official of a city or town whose duty it is to grant a vacation as provided by this section who wilfully refuses to grant the same shall be punished by a fine of not more than one hundred dollars. The department of labor and industries shall enforce this section, and shall have all necessary powers therefor.

If a petition requesting that the question of acceptance of this section be submitted to the registered voters of any city or town not already subject to this section, signed by registered voters thereof equal in number to at least one per cent of the whole number of registered voters thereof, is filed with the city or town clerk not less than sixty days before a biennial state election, said city or town clerk shall immediately transmit said petition to the state secretary, who shall cause to be placed upon the official ballot to be used in said city or town at said state election the following question: "Shall section one hundred and eleven of chapter forty-one of the General Laws, providing for vacations for certain municipal employees, be accepted?" If a majority of the registered voters of such city or town voting thereon vote in the affirmative in answer to said question, said section shall be applicable in such city or town from and after the beginning of the next municipal year.

Approved June 10, 1941.

Chap. 369 AN ACT PROVIDING FOR THE ACQUISITION BY THE CITY OF BOSTON OF THE PROPERTY OF THE DEDHAM AND HYDE PARK GAS AND ELECTRIC LIGHT COMPANY LOCATED WITHIN SAID CITY AND THE LEASE THEREOF TO THE BOSTON CONSOLIDATED GAS COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, hereinafter referred to as the city, acting through its public works department, and without other authority than that contained in this act, may at any time before January first, nineteen hundred and forty-three, purchase or take by eminent domain the property of the Dedham and Hyde Park Gas and Electric Light Company located within said city.

SECTION 2. The taking or takings by eminent domain authorized herein shall be made and damages therefor determined and paid under and in accordance with chapter seventy-nine of the General Laws. The city, acting by its transit department, with the approval of the mayor, may make payment for damages for all property taken under authority of this act out of the proceeds of bonds issued by the city under authority of section six, but if the amount of the proceeds available from such bonds is insufficient to pay the full amount of such damages the city shall nevertheless be liable for such damages, irrespective of any legal limit of indebtedness previously provided by law.

SECTION 3. Before acquiring any property under authority of this act, said public works department, in the name and on behalf of the city, shall execute a contract in writing with the Boston Consolidated Gas Company, hereinafter called the company, upon such terms and conditions, not inconsistent with the provisions of this act, as said public works department and the board of directors of the company may agree upon, for the use by the company of the property proposed to be acquired, for such term as may be agreed upon by said public works department and the company. The company shall pay for the use of the premises a rental at the rate of four and one half per cent per annum upon the fair and reasonable value of the property as agreed upon by said public works department and the company, or, in case of difference, as determined by the department of public utilities. In case the company shall be kept out of possession or deprived of the use of the premises, or any part thereof, by any act on the part of the city or of any person or corporation claiming an adverse interest in said property, the rental or a just and reasonable part thereof as agreed upon by said public works department and the company, or, in case of difference, as determined by said department of public utilities, shall be suspended or abated during the time the company is so kept out of possession or deprived of the use of the property, or any part thereof. In case the city shall, during the term of such contract for use, reimburse the company for capital expenditures upon the property as provided in section four, the amount of such reimbursement shall be added to the fair and reasonable value of the property for the purpose of determining the rental thereafter payable by the company for the use of the property.

SECTION 4. Said contract for use shall require the return of the property to the city at the termination of said use in as good order and condition as at the beginning, and shall provide that the company may from time to time make such alterations, replacements, additions and improvements in and to the property as the company shall deem to be necessary or advisable to put the property in good operating condition; provided, that no such alterations, replacements, additions or improvements shall be made, except in case of emergency, without the written consent of said public works department or a certificate from said department of public utilities that the proposed work is reasonably necessary or advisable to put the property in good operating condition. In case of any such alteration, replacement, addition or improvement, said department of public utilities shall on application of the company determine what proportion thereof, if any, constitutes a proper charge against capital, and the city shall thereupon pay the same to the company. If the city shall not make said payments when due, the company shall be entitled to deduct the amount thereof,

with interest, from any rental subsequently payable to the city for the use of the property.

SECTION 5. There shall be made, as of the date when the use of the property by the company begins and as of the date when the use terminates, a full and complete inventory, description and valuation of the property by a board of three persons, one appointed by said public works department, one by the company, and the third chosen by the two so appointed or, in case of their failure to agree upon a third person, by the governor. In case the valuation so made as of the date when the use begins, plus all capital improvements and betterments for which the company has been reimbursed by the city, shall exceed the valuation at the termination of the use, the company shall pay over to the city an amount equal to such excess, and in case such valuation as of the date when the use begins, plus all capital improvements and betterments for which the company has been reimbursed by the city, is less than the amount of the valuation at the termination of the use, the city shall pay over to the company an amount equal to such deficit.

SECTION 6. The treasurer of the city shall from time to time, on request of the transit department, and without further authorization than herein contained, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding, in the aggregate, the cost of carrying out the provisions of this act. Such bonds shall bear on their face the words, Hyde Park Gas Loan, shall be for such terms, not exceeding forty-five years, as the mayor and treasurer of the city may determine; and shall bear interest, payable semi-annually, at such rate as the treasurer shall determine. The proceeds of such bonds, including any premium realized from the sale thereof, shall be used to meet all damages, cost and expenses incurred by said public works department or by the city in carrying out the provisions of this act. The board of commissioners of sinking funds of the city shall establish a sinking fund for the payment of the bonds issued under authority of this act. The proceeds from any sale or sales of property taken, or acquired by purchase or otherwise, under authority of this act shall be used for the same purpose as the rental of said property or shall be used for the payment of expenditures incurred for the acquisition of said property, as said public works department may determine. All rentals, tolls, percentages or other compensation received by the city under the provisions of this act shall annually be used by the treasurer of the city, first, to meet the requirements of any deficiency in said sinking fund; second, to meet the interest on said bonds; and the surplus, if any, as a part of the general revenue of the city. The city shall have, hold and enjoy in its private or proprietary capacity, as and for its own property, the property acquired by it under the provisions of this act, and all rents, tolls, income and profits from all contracts en-

tered into by it for the use of said property or any part thereof, and the same shall never be taken by the commonwealth except on payment of just compensation.

Debts incurred by the city for the purposes of this act shall not be considered in determining the statutory limit of indebtedness of the city.

SECTION 7. In respect to the use and operation of the property, the company shall have all the powers and privileges and be subject to all the duties, liabilities, restrictions and provisions set forth in general and special laws now or hereafter in force applicable to it.

SECTION 8. The contract for the use of the property executed in accordance with the authority conferred by this act shall not in any respect impair any right which the commonwealth or the city or any other licensee of the commonwealth may at any time have to take the properties of the company. In the event of such taking, the compensation to be paid to the company shall not be enhanced by reason of such contract, nor shall it be diminished because of the fact that without it properties might be cut off.

SECTION 9. This act shall take full effect upon its acceptance by vote of the city council of the city of Boston, approved by the mayor, and the filing of a certificate evidencing such acceptance with the state secretary, but not otherwise.

SECTION 10. Chapter two hundred and ninety-two of the acts of nineteen hundred and thirty-seven, as amended, is hereby repealed.

Approved June 10, 1941.

AN ACT RELATIVE TO NOMINATION PAPERS FOR ELECTIVE *Chap. 370*
MUNICIPAL OFFICES IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section three of chapter six hundred and eight of the acts of nineteen hundred and thirteen, as amended by section one of chapter two hundred and thirty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the fifth line, the word "fifth" and inserting in place thereof the word: — sixth, — so as to read as follows: — Any registered voter in the city may be nominated for any municipal elective office, and his name as such candidate shall be printed on the official ballot to be used at the municipal election; provided, that at or before five o'clock in the afternoon of the sixth Tuesday prior to the election, nomination papers prepared and issued by the city clerk and signed by at least one hundred and fifty registered voters of the city qualified to vote for such candidate at said election, shall be submitted to the board of registrars of voters, and the signatures on the same to the number required to make a nomination are subsequently certified by said registrars as hereinafter provided, except that the number of signatures

necessary to nominate a candidate for alderman by wards and for school committee by wards shall be fifty. Nomination papers shall be in substantially the following form: —

SECTION 2. Section five of said chapter six hundred and eight, as amended by section two of said chapter two hundred and thirty-six, is hereby further amended by striking out, in the thirteenth and sixteenth lines, the word "third" and inserting in place thereof, in each instance, the word: — fourth, — so as to read as follows: — *Section 5.* After the said nomination papers have been submitted, the board of registrars of voters shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same. They need not certify a greater number of names than is required to make a nomination, with one fifth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board of registrars of voters for one year. The board of registrars of voters shall complete their certification on or before five o'clock in the afternoon on the fourth Tuesday preceding the city election, and said board, or some member thereof, shall file with the city clerk on or before five o'clock in the afternoon on the fourth Wednesday preceding the city election all papers submitted and certified to by them, with the exception of papers found to be invalid. The certification shall not preclude any voter from filing objections as to the validity of the nomination.

SECTION 3. In the event of the acceptance by the city of Holyoke of section one hundred and three A of chapter fifty-four of the General Laws, as amended, the provisions of said chapter six hundred and eight of the acts of nineteen hundred and thirteen, as most recently amended by sections one and two of this act, relating to the submitting to and certification by the registrars of voters of nomination papers and the filing thereof with the city clerk, shall continue to apply in said city, notwithstanding the provisions of any general law to the contrary.

SECTION 4. This act shall take effect upon its passage.

Approved June 11, 1941.

Chap. 371 AN ACT AUTHORIZING FRANKLIN COUNTY TO BORROW MONEY FOR THE PURPOSE OF PAYING SAID COUNTY'S SHARE OF THE COST OF CONSTRUCTING THE MONTAGUE CITY BRIDGE, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting Franklin county's share of the cost of constructing the Montague City bridge, so called, the county treasurer of said county, with the approval of the county commissioners thereof, may, within five years from the passage of this act, borrow from time to time a sum or sums not exceeding, in the aggregate,

thirty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Franklin County, Montague City Bridge Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the county commissioners of Franklin county, but not otherwise.

Approved June 11, 1941.

AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO BORROW MONEY FOR HIGH SCHOOL PURPOSES. Chap. 372

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree is hereby authorized to borrow the sum of two hundred and forty thousand dollars and to issue bonds and notes of the town therefor, for the purposes of constructing and furnishing an addition to the Braintree high school, substantially in accordance with a plan on file with the school committee of said town and known as Plan 3, and of renovating the present building, under the provisions of a vote adopted by the town meeting on March thirty-first, nineteen hundred and forty-one, under article forty-six in the warrant for the annual town meeting of said town, and such authorization shall be fully effective, notwithstanding that the warrant for said meeting was served prior to the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved June 12, 1941.

AN ACT AMENDING THE "ZONING LAW", SO-CALLED, OF THE CITY OF BOSTON. Chap. 373

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four is hereby amended by striking out section one, as most recently amended by section one of chapter three hundred and forty-seven of the acts of nineteen hundred and thirty, and inserting in place thereof the following: — *Section 1.* For the purpose of this act, certain words and terms used herein are hereinafter defined; words not defined herein shall be construed as defined or used in chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-eight, acts in amendment thereof and in addition thereto, and ordinances of the city of Boston

in amendment thereof, being the building code of the city of Boston, hereinafter referred to as the aforesaid building code or, if not defined or used therein, as in the regulations of the department of public safety.

Dwelling: Any house or building, or portion thereof, except a hotel, which is occupied in whole or in part as the home or residence of one or more persons, either permanently or transiently.

Lot: Land occupied or to be occupied by a building and its accessory buildings, and including the open spaces required under this act. Two or more buildings other than accessory buildings upon a single parcel of land shall be deemed to occupy separate lots. In a multiple residence district the word "lot" shall mean an entire tract held under single ownership, developed or to be developed, for multiple-family use.

Lot, Depth of: The distance between the front and rear legal boundary lines, including any areas required to be left open by law, ordinance or regulation.

Semi-detached building: A building that is joined on one side to another building separated by a party wall which, for a dwelling in a thirty-five foot district, has no means of access between the two buildings.

Pair of semi-detached buildings: Two buildings separated by a party wall, which, for dwellings in a thirty-five foot district, have no means of access between the two buildings.

Set-back: The minimum horizontal distance between the street line and the front line of the building, excluding steps, uncovered porches and covered but unenclosed entrance porches on the first story which do not exceed a total area of fifty square feet.

Story, Half: A story which is situated in a sloping roof, the area of which at a height four feet above the floor does not exceed two thirds of the floor area of the story immediately below it and which does not contain an independent apartment. A half story shall not be counted as a story for the purpose of determining yard dimensions.

Yard, Rear: A space on the same lot with a building, between the extreme rear line of said building and the rear line of the lot and open and unoccupied except by an unenclosed porch not exceeding sixty square feet in area.

Yard, Side: An open, unoccupied space on the same lot with a building extending for the full length of the building between the building and the side line of the lot.

SECTION 2. Said chapter four hundred and eighty-eight is hereby further amended by striking out section two and inserting in place thereof the following:— *Section 2.* In order to regulate and restrict the location of trades, industries and other uses, and the location of buildings designed, erected, altered or occupied for specified uses, the city of Boston is hereby or may hereafter be divided into the following classes of use districts:

Single Residence districts,
Multiple Residence districts,
General Residence districts,
Local Business districts,
General Business districts,
Industrial districts,
Unrestricted districts,

as appearing on the zoning map prepared by the Boston city planning board, dated March fifteenth, nineteen hundred and twenty-four and filed, April twenty-eighth of said year, in the office of the state secretary, as amended by the substitution of a new sheet ten of said plan, filed with said office May eleventh, nineteen hundred and twenty-four, in place of sheet ten previously filed, and as amended from time to time by the board of zoning adjustment as hereinafter provided.

Except as hereinafter provided no building shall be erected or altered nor shall any building or premises be used for any purpose other than a use permitted in the use district in which such building or premises is located.

SECTION 3. Paragraph (3) of section three of said chapter four hundred and eighty-eight is hereby amended by inserting after the word "hospital" in the second line the words: — , home for aged, convalescent home, — so that said paragraph will read as follows: —

(3) Educational, religious, philanthropic or other institutional uses, provided that in the case of a hospital, home for aged, convalescent home, sanitarium, correctional institution or similar use the health commissioner of Boston and building commissioner of Boston approve the location as not detrimental or injurious to the residential character of the neighborhood after public notice and hearing;

SECTION 4. Paragraph (8) of said section three of said chapter four hundred and eighty-eight is hereby amended by inserting after clause (c) the following new clause: —

(d) Gravel, loam, sand or stone removal except in connection with the erection of a building or for reuse on the same premises.

SECTION 5. Said chapter four hundred and eighty-eight is hereby further amended by inserting after section three the following new section: — *Section 3A. Multiple Residence Districts:* In a multiple residence district no building or premises shall be erected, altered or used except for one or more of the following uses:

- (1) Any use permitted in a single residence district,
- (2) Multiple family dwellings,
- (3) Accessory uses customarily incident to any of the above uses. The term "accessory use" shall be construed as in section three.

No multiple residence district shall have, at the time when it is established, an area of less than ten acres in private ownership.

SECTION 6. Section seven of said chapter four hundred and eighty-eight is hereby amended by inserting after paragraph (39) the following new paragraph:—

(39A) Dwelling, provided that a dwelling for not more than two families may be erected, altered and used in any part of an industrial district which is within one hundred and fifty feet of a residence district.

SECTION 7. Said chapter four hundred and eighty-eight is hereby further amended by striking out section eight and inserting in place thereof the following:— *Section 8.* In a district classified under section two as an unrestricted district, no building or premises shall be erected, altered or used for a dwelling.

SECTION 8. Section nine of said chapter four hundred and eighty-eight, as amended by section three of chapter one hundred and forty-three of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following paragraphs:— No use of a building or premises, or part thereof, which does not conform to the provisions of sections one to nine, inclusive, of this act, shall be continued after April one, nineteen hundred and sixty-one. No non-conforming building, structure or premises shall be devoted to a non-conforming use after failure to use or occupy such building, structure or premises for such use for a period of one year, provided that the building commissioner may, after public hearing, grant a permit for resumption of a non-conforming use which has been discontinued for more than one year where such use will not be detrimental or injurious to the character of the neighborhood. In the case of a building or part thereof designed and intended for a non-conforming use, such use in a part thereof may be extended throughout the building or part thereof so designed and intended or changed to any use permitted in a district where such non-conforming use would be permitted and not more detrimental or injurious to the neighborhood, provided no alterations are hereafter made therein, except those required by law, ordinance or regulation.

Subject to the provisions of the first paragraph of this section, the building commissioner may grant a permit for the erection of additional buildings or for the enlargement or alteration of existing buildings on the same or an adjacent parcel of land, each in the same single or joint ownership of record at the time it is placed in a use district, for the expansion of a trade, business, industry or other use prohibited in such district where such enlargement or alteration will not be detrimental or injurious to the character of the neighborhood.

SECTION 9. The first paragraph of section ten of said chapter four hundred and eighty-eight is hereby amended by adding at the end the words:— , and as amended from time to time by the board of zoning adjustment as hereinafter provided,— so that said paragraph will read as fol-

lows: — In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces and the percentage of lot occupancy, the city of Boston is hereby divided into the following classes of bulk districts:

Thirty-five foot districts,

Forty foot districts,

Sixty-five foot districts,

Eighty foot districts,

One hundred and fifty-five foot districts,

as appearing on the zoning map prepared by the Boston city planning board, dated March fifteenth, nineteen hundred and twenty-four and filed, April twenty-eighth of said year, in the office of the state secretary, as amended by the substitution of a new sheet ten of said plan, filed with said office May eleventh, nineteen hundred and twenty-four, in place of sheet ten previously filed, and as amended from time to time by the board of zoning adjustment as hereinafter provided.

SECTION 10. Said chapter four hundred and eighty-eight is hereby further amended by striking out section eleven, as most recently amended by sections one and two of chapter one hundred and eighty of the acts of nineteen hundred and thirty-one, and inserting in place thereof the following:

— *Section 11.* In a thirty-five foot district: —

Height and Occupancy: No building or structure shall exceed thirty-five feet or two and one half stories in height and except in a multiple residence district no building or structure used for habitation, whether consisting of a single building or a pair or group of semi-detached buildings or an attached group of buildings shall accommodate or make provision for more than two families.

Rear Yards: There shall be behind every building other than an accessory building a rear yard extending across the entire width of the lot and having a minimum depth of twenty-five feet, provided that on lots not within a single or general residence district the depth may be reduced five feet.

Side Yards: There shall be a side yard on each side of every building in a single residence district, and on each side of every building or pair of semi-detached buildings in a general residence district. The minimum width of any side yard provided in a thirty-five foot district shall be eight feet and the minimum width of any side yard provided in a single residence district shall be ten feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time it is placed in a thirty-five foot district shall the buildable width be reduced by this requirement to less than twenty-four feet.

Courts: In a single or general residence district no window required by the aforesaid building code shall open upon an outer court the depth of which exceeds its width or upon any inner court.

Set-back: In a single or general residence district no building shall hereafter be erected or altered to be within thirty

feet of the center of any street or within ten feet of any street line, provided, that on a lot abutting on two or more streets, one of which is more than twenty-four feet wide and one twenty-four feet wide or less, no set-back is hereby required on the street or streets twenty-four feet wide or less; provided, further, that on a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs on such buildings; and provided, further, that on a lot in a separate and distinct single or joint ownership of record at the time it is placed in a thirty-five foot district and less than one hundred feet deep, any set-back hereby established may be reduced one per cent for each foot that the depth of the lot is less than one hundred feet.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines twenty feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

Building Area: The area of a dwelling shall not exceed thirty-five per cent of the area of the lot. The area of a building other than a dwelling shall not exceed sixty per cent of the area of the lot.

In a multiple residence district the area of all buildings and accessory buildings shall not exceed twenty-five per cent of the area of the lot including all portions thereof used for streets, alleys, parks or other permanently open spaces.

Open Spaces in Multiple Residence Districts: In a multiple residence district no building or accessory building shall hereafter be erected or altered to be within twenty feet of any other building nor within twenty feet of any lot or street line.

Lot Size: No building, except one story buildings of accessory use, shall be erected in a single residence district on a lot containing less than six thousand square feet or less than sixty feet wide, the lot width to be measured through that part of the building to be erected where the lot is narrowest; provided that one such building may be erected on any lot which is in a single or joint ownership on the first day of March, nineteen hundred and forty-one.

SECTION 11. Section twelve of said chapter four hundred and eighty-eight, as most recently amended by section three of chapter one hundred and eighty of the acts of nineteen hundred and thirty-one, is hereby further amended by striking out the fifth paragraph entitled "*Courts*", and inserting in place thereof the following paragraph: —

Courts: In a single or general residence district no window required by the aforesaid building code shall open upon any inner court, the length or width of which is less than its average height.

SECTION 12. Said chapter four hundred and eighty-eight is hereby further amended by striking out section thirteen, as most recently amended by section four of chapter two hundred and four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 13.* In a sixty-five foot district:—

Height: No building shall exceed sixty-five feet or six habitable stories in height.

Rear Yards: Except as hereinafter provided there shall be in the rear of every building other than an accessory building a rear yard extending across the entire width of the lot. The depth of said rear yard shall be measured from the extreme rear wall of the building to the rear line of the lot and at right angles to said lot line. If the rear line of the lot is not a straight line at right angles to the side lines of the lot the required yard shall have an area not less than the depth of the yard as hereinafter prescribed multiplied by the width of the lot at the rear of the building, and the building shall be so disposed at the rear as to have a yard having continuity with the yards of adjoining lots as approved by the building commissioner. The minimum depth of said rear yard shall be equal to ten feet less than the average depth of the yards of existing buildings other than accessory buildings abutting on the same street in the same block but shall not be less than fifteen feet.

Rear Yards on Corner Lots: Upon a lot which abuts on two intersecting streets, alleys, parks or other permanently open spaces not less than fifteen feet wide the minimum depth of yard shall not be less than six feet except that where such corner lot is more than twenty-five feet in width the minimum depth of the rear yard for that portion in excess of such twenty-five feet shall be not less than fifteen feet.

Set-back: On lots abutting on one side of a street between two intersecting streets in a sixty-five foot general residence district, and in any adjacent forty foot or thirty-five foot single or general residence district, no building shall hereafter be erected or altered to be nearer the street line than the average set-back of existing buildings within such limits, subject to the following provisions:

1. No set-back need exceed ten feet in any case. Any reduced set-back thus established shall be used in computing the average set-back.

2. On a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings. Any set-back thus established shall be included in computing the average set-back.

Building Area: The area of a dwelling shall not exceed seventy per cent of the area of the lot. The area of a building other than a dwelling shall not exceed eighty per cent of the area of the lot.

SECTION 13. Section fourteen of said chapter four hundred and eighty-eight, as amended by section eight of chap-

ter two hundred and nineteen of the acts of nineteen hundred and twenty-five, is hereby further amended by striking out the second paragraph, entitled "*Height*", and inserting in place thereof the following two paragraphs: —

Height: No building shall exceed eighty feet in height as construed in section two thousand and one of the aforesaid building code.

Yards: In a single or general residence district and for dwellings in any use district all yards shall conform to the requirements prescribed for buildings in a sixty-five foot district.

SECTION 14. Said chapter four hundred and eighty-eight is hereby further amended by striking out section fifteen, as amended by section two of chapter one hundred and thirty-seven of the acts of nineteen hundred and twenty-eight, and inserting in place thereof the following:— *Section 15.* In a one hundred and fifty-five foot district: —

Height: No building or structure shall be so erected or altered that any part thereof shall be higher above the ground than two and one half times the shortest horizontal distance of that part from the further side of the street upon which it fronts; provided that, in case of a building at the intersection of two streets, within one hundred and fifty feet measured along the streets from the intersection of the nearer side lines thereof, the width of each street shall for the purpose of this section be taken as the width of the wider street. No building or structure shall be erected or altered to a greater height measured to the highest point of the roof thereof than one hundred and fifty-five feet except as provided in this paragraph. If a building or structure shall be erected or altered to a greater height than one hundred and fifty-five feet every part of such building shall not be higher above the ground than one hundred and twenty-five feet plus two and one half times the shortest horizontal distance of that part from the nearest lot or street line. No building shall be erected or enlarged to contain a volume above the grade of the ground greater than the buildable area of the lot multiplied by one hundred and fifty-five feet.

SECTION 15. Section sixteen of said chapter four hundred and eighty-eight, as most recently amended by section two of chapter two hundred and ten of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out paragraph (3) and inserting in place thereof the following: —

(3) Structures specified in and exempted from height limitation by section two thousand and one of the aforesaid building code may be erected above the height limit established by this act.

No building shall be erected on a parkway, boulevard or public way on which a building line or height limitation has been established by the board of park commissioners or by the board of street commissioners acting under any general or special statute or by the commonwealth or city to

a greater height than that allowed by action of said agencies and no building upon land any owner of which has received and retained compensation in damages for any limitation of height or who retains any claim for such damages shall be erected to a height greater than that fixed by the limitation for which such damages were received or claimed.

SECTION 16. Said section sixteen of said chapter four hundred and eighty-eight is hereby further amended by striking out paragraph (14), added by section five of chapter one hundred and eighty of the acts of nineteen hundred and thirty-one, and inserting in place thereof the following: —

(14) Upon a lot which does not front upon a street, alley, park or other permanently open space not less than fifteen feet wide the requirements of this act as to rear yards shall apply to the front of any building as well as to the rear.

SECTION 17. Said chapter four hundred and eighty-eight is hereby further amended by adding at the end of said section sixteen the following new paragraph: —

(16) In a sixty-five foot district no yard shall be required behind a building upon a lot which abuts at the rear upon a railroad right of way, a cemetery, or a public park; no yard shall be required behind a building upon a lot entirely surrounded by streets, alleys, parks or other permanently open spaces not less than twenty-five feet wide; no yard shall be required behind a building upon a lot running through from street to street or from a street to an alley, park or other permanently open space; provided, that such streets, alleys, parks or other permanently open spaces are not less than thirty-five feet in width; no yard shall be required behind a building upon a corner lot adjoining a lot running through from street to street or from a street to an alley, park or other permanently open space; provided, that such streets, alleys, parks or other permanently open spaces are not less than thirty-five feet in width.

SECTION 18. Said chapter four hundred and eighty-eight is hereby further amended by striking out section nineteen, as most recently amended by section one of chapter sixteen of the acts of nineteen hundred and thirty-one, and inserting in place thereof the following: — *Section 19.* The board of appeal provided for in the aforesaid building code shall act as a board of appeal under this act, and the members thereof shall receive for acting under this act the same compensation as provided in the aforesaid building code.

Any applicant for a permit under this act whose application has been refused may appeal therefrom within ninety days. Any applicant to the building commissioner for a permit who appeals to the said board shall pay to him a fee of fifteen dollars before such permit shall be considered by the board. Such fees shall be deposited by the building commissioner with the city collector at least once a week.

Upon such appeal, the board of appeal may authorize in respect to a particular parcel of land a variance from the terms of this act, where, owing to conditions especially

affecting such parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this act would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of this act, but not otherwise. No such variance shall be authorized except by the unanimous decision of the entire membership of the board qualified to act, rendered upon a written petition addressed to the board and after public hearing thereon, of which notice shall be mailed to the petitioner and to the owners of all property deemed by the board to be affected thereby as they appear in the current records of the assessing department and also advertised in a daily newspaper published in the city of Boston. The board may adopt rules, not inconsistent with the provisions of this act, governing notice and procedure.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

No decision of the board of appeal permitting the erection or alteration of a building to an extreme height greater than that otherwise authorized under the provisions of this act for the lot or building in question shall be effective until and unless confirmed by the board of zoning adjustment, as provided in section twenty. Immediately following the board's final decision in any such case a copy of the record shall be certified to the board of zoning adjustment.

Any person aggrieved by a decision of the board of appeal, except a decision permitting the erection or alteration of a building to an extreme height greater than that otherwise authorized under the provisions of this act, whether or not previously a party to the proceeding, or any municipal officer or board, may appeal to the superior court sitting in equity, for the county of Suffolk; provided, that such appeal is filed in said court within fifteen days after such decision is recorded. It shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

The person applying for the review shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision

was rendered from all damages and costs which he or they may sustain in case the decision of said board is affirmed.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

SECTION 19. Said chapter four hundred and eighty-eight is hereby further amended by striking out section twenty, as most recently amended by section one of chapter two hundred and forty of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following:—

Section 20. There shall be a board of zoning adjustment to consist of twelve members as follows:— The chairman of the city planning board ex officio, and eleven members appointed by the mayor in the following manner: one member from two candidates to be nominated by the Associated Industries of Massachusetts, one member from two candidates to be nominated by the Boston Central Labor Union, one member from two candidates to be nominated by the Boston Chamber of Commerce, one member from two candidates to be nominated by the Boston Real Estate Exchange, one member from two candidates to be nominated by the Massachusetts Real Estate Exchange, one member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Landscape Architects, one member from two candidates to be nominated by the Boston Society of Civil Engineers, one member from two candidates to be nominated by the Master Builders' Association of Boston, one member from two candidates to be nominated by the Team Owners Association, one member from two candidates to be nominated by the United Improvement Association, and one member to be selected by the mayor. All appointive members shall be residents of or engaged in business in Boston. All appointments after the initial appointments shall be for the term of five years. Vacancies among the appointive members shall be filled in the same manner in which original appointments are made. The several heads of departments of the city of Boston shall on request of the board supply it with all information in their possession useful for its duties.

Either upon petition or otherwise, the board may, subject to the following conditions, change the boundaries of districts by changing the zoning map, on file at the state secretary's office, to meet altered needs of a locality, to avoid undue concentration of population, to provide adequate light and air, to lessen congestion in streets, to secure safety from fire, panic and other dangers, to facilitate the adequate provision of transportation, water, sewerage and other public requirements and to promote the health, safety, convenience and welfare of the inhabitants of the city of Boston. Such changes shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging

the most appropriate use of land. No such change shall be made except by the decision of not less than four fifths of the members of the board, excepting only any member or members not qualified to act, rendered after a public hearing thereon, of which notice shall be mailed to the petitioner, if any, to the building commissioner, the chairman of the assessing department, the chairman of the street laying-out department, the commissioner of public works, the fire commissioner and the health commissioner of the city of Boston, and to the owners of all property deemed by the board to be affected thereby as they appear in the current records of the assessing department and also advertised in a daily newspaper published in the city of Boston. Any petition for changing the zoning map shall be accompanied by a fee of twenty-five dollars before being considered by the board. Such fees shall be deposited by the board with the city collector within one month after receipt thereof. No member shall act in any case in which he is personally interested either directly or indirectly. A majority of the board shall constitute a quorum for all public hearings and for all acts of the board, except that decisions changing the boundaries of districts on the zoning map or confirming a decision of the board of appeal shall be deemed to comply with this section only if the written record of such decision is signed, in case of any change of boundaries as aforesaid, by not less than four fifths, or, in case of any confirmation of a decision of the board of appeal, by not less than two thirds, of the members of the board qualified to act. If less than a majority of the board is present at any public hearing or at any executive session, the members actually present may adjourn the same by proclamation to such time and place as they deem advisable, and further notice thereof shall not be necessary. The board may adopt rules, not inconsistent with the provisions of this act, governing notice and procedure.

The board shall review the decision of the board of appeal within forty-five days of the certification to it of a copy of the record thereof in every case wherein permission is granted to erect or alter a building to an extreme height greater than that otherwise authorized under the provisions of this act for the lot or building in question, said review to determine whether or not the relief granted derogates from the intent and purpose of this act. No such permission shall be confirmed except by decision of not less than two thirds of the members of the board, excepting only any member or members not qualified to act, rendered after a public hearing thereon of which notice shall be given as provided in case of a public hearing under the preceding paragraph. If the lot or building in question abuts upon a public park, notice shall also be mailed to the park commissioners of the city of Boston.

In all cases where the boundaries of districts are changed so as to include the whole or part of an existing single or

general residence district in a zone for less restricted uses the set-back required by this act for such district before such change shall remain in force unless and until such limitation shall be rescinded by the board. Such rescission may be inserted in the original order making such change if asked for by said petition and notice thereof given in the notice of the original petition for the change, or it may be ordered subsequently on petition and notice in the manner required for petitions for a change in the boundaries of districts.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner of Boston and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid. Upon any decision changing the zoning map, on file at the state secretary's office, an amended map showing such change endorsed by the chairman of said board shall be filed forthwith at said office.

If a petition for a change of the boundaries of a district is unfavorably decided upon by the board, no petition for the same change shall be considered on its merits by the board within one year after the date of such unfavorable decision, except with the consent of not less than four fifths of the members of the board.

If a change be favorably decided upon or if a decision of the board of appeal shall be confirmed, any person aggrieved or any municipal officer or board may, appeal to the superior court sitting in equity for the county of Suffolk; provided, that such appeal is filed in said court within fifteen days after such decision is recorded. It shall hear all pertinent evidence and determine the facts and, upon the facts as so determined, annul such decision if found to exceed the authority of such board, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases.

The person applying for the review shall file a bond with sufficient surety, to be approved by the court, for such a sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which they may sustain in case the decision of said board is affirmed.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

The board shall report its doings annually on or before February tenth to the mayor of Boston. It shall make a like report on or before said date to the general court, by filing the same with the state secretary, and the provisions of section thirty-two of chapter thirty of the General Laws relative to the transmission of other annual reports to the

general court shall apply to reports made to the general court hereunder.

If any area is hereafter transferred to another district by a change in district boundaries either by action of the board of zoning adjustment or by an amendment to this act, the buildings and uses then existing within said area shall be subject to the provisions of this act with reference to existing buildings or uses in the district to which the area is removed.

SECTION 20. Section twenty-one of said chapter four hundred and eighty-eight is hereby amended by striking out, in the third line, the word "law" and inserting in place thereof the word:— code, — so as to read as follows:—
Section 21. The jurisdiction of courts in equity and at law and penalties for violation of any of the provisions of this act shall be as set forth in the aforesaid building code for violations thereof.

SECTION 21. In case of any difference or inconsistency between the provisions of chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four, as amended, and those of section one hundred and five A of chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-eight, inserted by section one of chapter two hundred and seventeen of the acts of nineteen hundred and thirty-nine, or of any ordinance made pursuant to said section one hundred and five A, the provisions of said chapter four hundred and eighty-eight and its amendments shall prevail.

SECTION 22. Chapter four hundred and fifty-two of the acts of eighteen hundred and ninety-eight, chapter three hundred and thirty-three of the acts of nineteen hundred and four and the orders issued thereunder, chapter three hundred and eighty-three of the acts of nineteen hundred and five, chapter four hundred and fifty-five of the acts of nineteen hundred and twenty, chapter four hundred and fifty-seven of the acts of eighteen hundred and ninety-nine, chapter four hundred and sixteen of the acts of nineteen hundred and seven, and chapter three hundred and thirty-three of the Special Acts of nineteen hundred and fifteen and the orders issued thereunder, are hereby repealed; provided, that such repeal shall not be deemed or construed to affect any vested property right which was created or acquired under any provision of any of said acts, or by reason of any order, rule or regulation made or promulgated, or act done, under authority of any provision of any of said acts, and which is in full force and effect upon the effective date of this act.

SECTION 23. This act shall take full effect upon the acceptance by the city council of the city of Boston of chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-eight, as amended by chapter two hundred and seventeen of the acts of nineteen hundred and thirty-nine, and as provided in said chapter four hundred and seventy-nine.

Approved June 12, 1941.

AN ACT ESTABLISHING FEES FOR THE ISSUING AND RENEW- *Chap.374*
ING OF CERTIFICATES OF REGISTRATION FOR DAIRY FARMS.

Be it enacted, etc., as follows:

Section sixteen C of chapter ninety-four of the General Laws, as inserted by section three of chapter three hundred and five of the acts of nineteen hundred and thirty-two, is hereby amended by inserting after the word "farms" in the second line the words: — at a cost of fifty cents for each certificate or renewal thereof, — and by inserting after the word "registration" in the twenty-eighth line the words: — or a certificate of renewal, — so as to read as follows: — *Section 16C.* The director may issue, and may from time to time renew, certificates of registration for dairy farms at a cost of fifty cents for each certificate or renewal thereof. No certificate of registration for a dairy farm shall be issued or renewed by the director, except as hereinafter provided, until he has made or caused to be made at least one inspection of said farm within one year prior thereto, and unless said inspection clearly indicates a satisfactory compliance with the uniform minimum requirements for dairy farm inspection established under section forty-two of chapter six. The director shall accept the inspection reports of milk inspectors and agents of local boards of health within the commonwealth in respect to dairy farms located within or without the commonwealth which have been inspected by them, and, if such reports state that such dairy farms have complied with said minimum requirements, certificates of registration shall thereupon issue. Each dairy farm registered by the director shall receive a numbered certificate of registration which shall, while in effect, be posted in a conspicuous place at all times on said farm. Each certificate of registration of a dairy farm located in the commonwealth shall expire on the following June thirtieth, and each certificate of registration of a dairy farm located outside the commonwealth shall expire on such date as the board shall determine, but not within one year from its date of issue. Annual applications for renewal of certificates shall be made not less than thirty days prior to the expiration date on forms furnished by the director. If a certificate of registration or a certificate of renewal is lost, duplicate copies may be obtained from the director at a cost of fifty cents each.

G. L. (Ter. Ed.), 94, § 16C, etc., amended.

Fees for certificates of registration of dairy farms.

Approved June 12, 1941.

AN ACT ESTABLISHING A SCALE OF FEES FOR THE INOCULA- *Chap.375*
TION OF SWINE AGAINST HOG CHOLERA.

Be it enacted, etc., as follows:

Chapter one hundred and twenty-nine of the General Laws is hereby amended by inserting after section eight, as appearing in the Tercentenary Edition, the following new

G. L. (Ter. Ed.), 129, new section 8A, added.

Fees for
inoculation
of swine.

section: — *Section 8A.* If inoculations against hog cholera are administered by the division to any swine at the request of the owner or keeper thereof the following fees shall be charged:— for less than eleven swine, twenty cents for each swine; for eleven or more but less than fifty-one swine, four dollars; for fifty-one or more but less than one hundred and one swine, five dollars; for one hundred and one or more but less than two hundred and one swine, six dollars; for each additional swine above two hundred, two cents.

Approved June 12, 1941.

Chap. 376 AN ACT FURTHER REGULATING THE INCURRING OF DEBT BY FIRE, WATER, LIGHT AND IMPROVEMENT DISTRICTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 44, § 9,
amended.

Section nine of chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: — , and the amounts of debt so incurred shall be limited to the amounts prescribed for towns by sections eight and ten, — so as to read as follows: — *Section 9.* Fire, water, light and improvement districts may by a two thirds vote authorize the incurring of debt for the purposes prescribed, and payable within the periods specified, by sections seven and eight, so far as they are authorized by law to make expenditures for the purposes mentioned therein, and the amounts of debt so incurred shall be limited to the amounts prescribed for towns by sections eight and ten.

Approved June 12, 1941.

Chap. 377 AN ACT RELATIVE TO CONTRIBUTORY RETIREMENT SYSTEMS IN CERTAIN TOWNS UNDER TEN THOUSAND POPULATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32, § 31I,
etc., amended.

Section thirty-one I of chapter thirty-two of the General Laws, as amended, is hereby further amended by inserting after paragraph (3), as amended by section three of chapter fifty-seven of the acts of nineteen hundred and thirty-seven, the following new paragraph: —

Provisions
relative to
acceptance of
act establish-
ing retirement
systems in
certain towns.

(4) (a) When any town having a population under ten thousand accepts sections twenty-six to thirty-one H, inclusive, as provided in this section, the employees of such town shall become members of the county retirement system of the county wherein such town lies, in lieu of the establishment of a retirement system within and for such town. The employees of such town shall have all rights and obligations in the same manner as if a new retirement system were established in said town, including rights to retirement in the case of police and firemen as provided in sections twenty-six to thirty-one H, inclusive, which provisions are for such purposes made part of the county retirement law of such county.

(b) On or before the fifteenth day of January in each year the county retirement board shall certify to the selectmen of any town whose employees are members of the county retirement system, as hereinbefore provided, the amount payable to the several funds of the retirement system of the county on account of such members and the town shall pay to the several funds the amounts so payable, computed on the basis of the proportion of members employed by such town to the total membership in said county retirement system. Should any such town fail to include the amounts so certified in the town appropriation the assessors shall nevertheless include said amounts in the tax levy.

(c) The retirement board of the county and the county treasurer, as to any employees of any such town who become members of the county retirement system as hereinbefore provided, shall respectively be and act as the retirement board and treasurer of the retirement system in regard to such employees in the same manner as if they were county employees.

(d) Deductions from the salary or wages of employees of such towns so becoming members of the county retirement system shall be made by the treasurer of the town as provided in section thirty-one G (1) (a) and the same shall be transmitted to the county treasurer on or before the tenth of each month, and by him paid into the annuity savings fund of the county to the credit of the members contributing the same.

Approved June 13, 1941.

AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN EMPLOYEES MAY WAIVE THEIR RIGHTS TO WORKMEN'S COMPENSATION.

Chap. 378

Be it enacted, etc., as follows:

Section forty-six of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the words "one month of" and inserting in place thereof the words:—three months after,—so as to read as follows:—*Section 46.* No agreement by any employee to waive his rights to compensation shall be valid, but an employee who is for any reason peculiarly susceptible to injury or who is peculiarly likely to become permanently or totally incapacitated by an injury may, at the discretion of the department and with its written approval within three months after the beginning of his employment, waive his rights to compensation under sections thirty-four, thirty-five and thirty-six, or any of them.

G. L. (Ter. Ed.), 152, § 46, amended.

Waiver of rights.

Approved June 13, 1941.

Chap. 379 AN ACT RELATIVE TO THE OFFSETTING OF WORKMEN'S COMPENSATION PAYMENTS AGAINST PENSIONS, AND THE PROSECUTION OF CLAIMS FOR SUCH COMPENSATION IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 1, etc., amended.

SECTION 1. Section one of chapter thirty-two of the General Laws, as appearing in section one of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out the paragraph defining "Member" and inserting in place thereof the following paragraph: —

Term "Member" defined.

"Member", any employee included in the system, any person who was eligible for a superannuation retirement benefit on the date of termination of service, and, if the context so requires, any beneficiary retired for accidental disability.

G. L. (Ter. Ed.), 32, § 4F, etc., amended.

SECTION 2. Section four F of said chapter thirty-two, as so appearing, is hereby amended by striking out the paragraph numbered (1) and inserting in place thereof the following paragraph: —

Accidental death benefit.

(1) If the board, upon receipt of proper proof, finds that a member died as the natural and proximate result of a personal injury sustained or a hazard undergone, at some definite time and place, while such member was engaged in the performance and within the scope of his duties and, except as provided in section four I, that the sustaining of such injury or the undergoing of such hazard occurred within two years prior to the death of such member or, if occurring earlier, was reported to the board by the member or in his behalf within ninety days after its occurrence, and that such injury or the undergoing of such hazard was not the consequence of his serious or wilful misconduct, his accumulated assessments, or, in case his death occurred after retirement for accidental disability, the sum allocable to his account in the annuity reserve fund, shall be paid to the person entitled thereto under section five A, and in addition there shall be paid to the dependents of such member, as hereinafter designated, an accidental death benefit to consist of a pension equal to one half of the annual rate of compensation received by him on the date such injuries were sustained or such hazard was undergone. The said pension shall begin as of the date of the death of said member and shall be paid —

G. L. (Ter. Ed.), 32, § 4F, etc., further amended.

SECTION 3. Said section four F, as so appearing, is hereby further amended by striking out paragraph (4) and inserting in place thereof the following paragraph: —

Benefit payments limited.

(4) There shall not be paid in any case for all pensions provided in this section an amount to exceed the rate of regular compensation of the member on the date when said injuries were sustained or said hazard was undergone, and, if the calculated amount of such pensions shall exceed such

rate, the pensions provided in paragraph (2) of this section shall be prorated among those entitled to receive them during such time as such pensions shall exceed such rate.

SECTION 4. Section four H of said chapter thirty-two, as so appearing, is hereby amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 32, § 4H, etc., amended.

All sums of money payable by the commonwealth under said chapter one hundred and fifty-two to a retired beneficiary on account of disability, or to the legal representative or dependents of a deceased member or beneficiary on account of death, including so much of any lump sum settlement as is allocable under this section to the period following such retirement or death, shall be offset against and payable in lieu of any pension under sections one to five A, inclusive, but not against any accumulated assessments or annuity or other payment from such assessments or their proceeds, and if the compensation payable under said chapter one hundred and fifty-two is less than the pension payable under said sections one to five A, when reduced to the same periodical basis, the excess only shall be paid as pension, so long as such compensation continues. If such compensation on said basis exceeds such pension, no pension shall be paid so long as such compensation continues.

Compensation benefits offset.

SECTION 5. Section twenty of said chapter thirty-two, as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the paragraph defining "Member" and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 32, § 20, etc., amended.

"Member", any employee included in the system, any person who was eligible for a superannuation retirement benefit on the date of termination of service, and, if the context so requires, any beneficiary retired for accidental disability.

Term "Member" defined.

SECTION 6. Said chapter thirty-two is hereby further amended by striking out section twenty-five B, as appearing in said section one of said chapter four hundred, and inserting in place thereof the following section: — *Section 25B.*

G. L. (Ter. Ed.), 32, § 25B, etc., amended.

(1) If the board, upon receipt of proper proof, finds that a member died as the natural and proximate result of a personal injury sustained or a hazard undergone, at some definite time and place, while such member was engaged in the performance and within the scope of his duties and that the sustaining of such injury or the undergoing of such hazard occurred within two years prior to the death of such member or, if occurring earlier, was reported to the board by the member or in his behalf within ninety days after its occurrence, and that such injury or the undergoing of such hazard was not the consequence of his serious or wilful misconduct, his accumulated deductions, or, in case his death occurred after retirement for accidental disability, the sum allocable to his account in the annuity reserve fund, shall be paid to the person entitled thereto under section twenty-five E, and in addition there shall be paid to the dependents of such

Accidental death benefits.

member, as hereinafter designated, an accidental death benefit to consist of a pension equal to one half of the annual rate of compensation received by him on the date such injuries were sustained or such hazard was undergone. Said pension shall begin as of the date of the death of said member and shall be paid —

(a) To the surviving husband or wife of the deceased member so long as he or she lives and remains unmarried; or

(b) If there be no surviving husband or wife, or if the surviving husband or wife dies before every child of such deceased member shall have attained age eighteen, then to or for the benefit of his children under said age, divided in such manner as the board in its discretion shall from time to time determine among all those under said age at the time of determination, to continue until every such child has died or attained age eighteen; or

(c) If there be no husband or wife or child under age eighteen surviving such deceased member, then to his totally dependent father or mother, or both, and the survivor of them, as the board in its discretion shall determine, to continue, while they are totally dependent for support on such pension, for life or until remarriage.

(2) If there be any child or children of a member referred to in paragraph (1) hereof who are under age eighteen, or over said age and physically or mentally incapacitated from earning, an additional pension at the rate of two hundred and sixty dollars annually shall be paid for each child of such member to the child or his natural or legal guardian, during such time as such child is under age eighteen or over said age and physically or mentally incapacitated from earning.

In no case shall the amount of all pensions provided in this section exceed the rate of the regular annual compensation of the deceased member on the date when the injury was sustained or the hazard was undergone.

SECTION 7. Said chapter thirty-two is hereby further amended by striking out section twenty-five D, as so appearing, and inserting in place thereof the following section: —

Section 25D. (1) All sums of money payable by the county or hospital district, or by an insurance company, under chapter one hundred and fifty-two to a retired beneficiary on account of disability, or to the legal representative or dependents of a deceased member or beneficiary on account of death, including so much of any lump sum settlement as is allocable, by the method provided in section four H for the state retirement system, to the period following such retirement or death, shall be offset against and payable in lieu of any pension under sections twenty to twenty-five H, inclusive, but not against any accumulated deductions or annuity or other payment from such deductions or their proceeds, and if the compensation payable under said chapter one hundred and fifty-two is less than the pension payable under said sections twenty to twenty-five H, when

G. L. (Ter.
Ed.), 32,
§ 25D, etc.,
amended.

Compensation
benefits offset.

reduced to the same periodical basis, the excess only shall be paid as pension, so long as such compensation continues. If such compensation on said basis exceeds such pension, no pension shall be paid so long as such compensation continues. All applicable provisions of section four H shall apply to pensions under said sections twenty to twenty-five H.

(2) If a person entitled to a pension on account of disability or death resulting from an injury and also having a right to compensation under chapter one hundred and fifty-two for the same injury, neglects or fails to prosecute fully such right or to cooperate with the board when it prosecutes the same, as provided in section seventy-three of chapter one hundred and fifty-two, the board may, during the period of such neglect or failure, suspend such person's right to further payments under this chapter.

SECTION 8. Section twenty-six of said chapter thirty-two, as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby amended by striking out the paragraph defining "Member" and inserting in place thereof the following paragraph:—

"Member", any employee included in the system, any person who was eligible for a superannuation retirement benefit on the date of termination of service, and, if the context so requires, any beneficiary retired for accidental disability.

G. L. (Ter. Ed.), 32, § 26 etc., amended.

Term "Member" defined.

SECTION 9. Said chapter thirty-two is hereby further amended by striking out section thirty-one B, as so appearing, and inserting in place thereof the following section:—

Section 31B. (1) If the board, upon receipt of proper proof, finds that a member died as the natural and proximate result of a personal injury sustained or a hazard undergone, at some definite time and place, while such member was engaged in the performance and within the scope of his duties and that the sustaining of such injury or the undergoing of such hazard occurred within two years prior to the death of such member or, if occurring earlier, was reported to the board by the member or in his behalf within ninety days after its occurrence, and that such injury or the undergoing of such hazard was not the consequence of his serious or wilful misconduct, his accumulated deductions, or, in case his death occurred after retirement for accidental disability, the sum allocable to his account in the annuity reserve fund, shall be paid to the person entitled thereto under section thirty-one E, and in addition there shall be paid to the dependents of such member, as hereinafter designated, an accidental death benefit to consist of a pension equal to one half of the annual rate of compensation received by him on the date such injuries were sustained or such hazard was undergone. The said pension shall begin as of the date of the death of said member and shall be paid —

G. L. (Ter. Ed.), 32, § 31B, etc., amended.

Accidental death benefit

(a) To the surviving husband or wife of the deceased member so long as he or she lives and remains unmarried; or

(b) If there be no surviving husband or wife, or if the surviving husband or wife dies before every child of such deceased member shall have attained age eighteen, then to or for the benefit of his children under said age, divided in such manner as the board in its discretion shall from time to time determine among all those under said age at the time of determination, to continue until every such child has died or attained age eighteen; or

(c) If there be no husband or wife or child under age eighteen surviving such deceased member, then to his totally dependent father or mother, or both, and the survivor of them, as the board in its discretion shall determine, to continue, while they are totally dependent for support on such pension, for life or until remarriage.

(2) If there be any child or children of a member referred to in paragraph (1) hereof who are under age eighteen, or over said age and physically or mentally incapacitated from earning, an additional pension at the rate of two hundred and sixty dollars annually shall be paid for each child of such member to the child or his natural or legal guardian, during such time as such child is under age eighteen or over said age and physically or mentally incapacitated from earning.

In no case shall the amount of all pensions provided in this section exceed the rate of the regular annual compensation of the deceased member on the date when the injury was sustained or the hazard was undergone.

SECTION 10. Said chapter thirty-two is hereby further amended by striking out section thirty-one D, as so appearing, and inserting in place thereof the following section:—

Section 31D. (1) All sums of money payable by the city or town, or by an insurance company, under chapter one hundred and fifty-two to a retired beneficiary on account of disability, or to the legal representative or dependents of a deceased member or beneficiary on account of death, including so much of any lump sum settlement as is allocable, by the method provided in section four H for the state retirement system, to the period following such retirement or death, shall be offset against and payable in lieu of any pension under sections twenty-six to thirty-one H, inclusive, but not against any accumulated deductions or annuity or other payment from such deductions or their proceeds, and if the compensation payable under said chapter one hundred and fifty-two is less than the pension payable under said sections twenty-six to thirty-one H, when reduced to the same periodical basis, the excess only shall be paid as pension, so long as such compensation continues. If such compensation on said basis exceeds such pension, no pension shall be paid so long as such compensation continues. All applicable provisions of section four H shall apply to pensions under said sections twenty-six to thirty-one H.

G. L. (Ter.
Ed.), 32,
§ 31D, etc.,
amended.

Offsets.

(2) If a person entitled to a pension on account of disability or death resulting from an injury and also having a right to compensation under chapter one hundred and fifty-two for the same injury, neglects or fails to prosecute fully such right or to cooperate with the board when it prosecutes the same, as provided in section seventy-three of chapter one hundred and fifty-two, the board may, during the period of such neglect or failure, suspend such person's right to further payments under this chapter.

SECTION 11. Section nineteen of chapter one hundred and fifty-two of the General Laws, as most recently amended by chapter two hundred and forty-five of the acts of nineteen hundred and thirty-nine, is hereby further amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 152, § 19, etc., amended.

This section shall apply also to the head of each employing board, commission and department of the commonwealth and of the several counties, cities, towns and districts subject to section sixty-nine, and copies of the reports hereby required shall likewise be furnished by such employing head to the appropriate retirement board, if any, and to the agent referred to in section seventy-five or the insurer, if any.

Notice of injuries.

SECTION 12. Section seventy-three of said chapter one hundred and fifty-two, as most recently amended by section twenty-three of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out the first sentence and inserting in place thereof the following paragraph: — Any person entitled under section sixty-nine to receive compensation from the commonwealth or from such county, city, town or district, and who is also entitled to a pension by reason of the same injury, shall elect whether he will receive such compensation or such pension, and shall not receive both, except in the manner and to the extent provided by section four H, twenty-five D or thirty-one D of chapter thirty-two, as the case may be. A retirement board, for the purposes of any of such last-mentioned sections, may prosecute in the name and for the benefit of a member or beneficiary of its system or his legal representative or any of his dependents, who is or may become entitled to a pension under chapter thirty-two, all claims which he or they may have for compensation under this chapter, if such member, beneficiary, legal representative or dependent has failed, or such board is of opinion that he will fail, to make or prosecute such claim with reasonable promptness and diligence. Said board, so prosecuting such remedy, shall be deemed to be a party in interest and may take an appeal and institute any proceeding which the employee or his legal representative or dependent might take or institute. In proceedings where the commonwealth, county, city, town or district is represented by the attorney general, city solicitor, town counsel or other attorney, the retirement

G. L. (Ter. Ed.), 152, § 73, etc., amended.

Election between compensation and pension.

board may be represented by an attorney of its own selection. Agents of the commonwealth under section seventy-five and such agents, and insurers, of counties, cities, towns or districts, executing agreements for compensation under this chapter, shall forthwith notify the appropriate retirement board.

Approved June 13, 1941.

Chap. 380 AN ACT FURTHER REGULATING LIENS FOR, AND THE COLLECTION OF, WATER RATES AND CHARGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 42A, etc., amended.

Water rates, when lien on real estate.

SECTION 1. Section forty-two A of chapter forty of the General Laws, as most recently amended by section one of chapter four hundred and fifteen of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the second and third lines, the words "and the five following sections" and inserting in place thereof the words:—section and sections forty-two B to forty-two F, inclusive, — by striking out, in the thirtieth line, the words "The five following sections" and inserting in place thereof the words:—Sections forty-two B to forty-two F, inclusive, — and by striking out, in the thirteenth line, the following " , as established as aforesaid," so as to read as follows:—*Section 42A.* If the rates and charges due to a city, town or water district, which accepts this section and sections forty-two B to forty-two F, inclusive, by vote of its city council or of the voters in town or district meeting and, by its clerk, files a certificate of such acceptance in the proper registry of deeds, for supplying or providing for water or rendering service or furnishing materials in connection therewith to or for any real estate at the request of the owner or tenant are not paid within sixty days after their due date as established by local regulations, ordinances or by-laws, which due dates shall be so established as to require payments at least as often as semi-annually, such rates and charges, together with interest thereon and costs relative thereto, shall be a lien upon such real estate in the manner hereinafter provided; but such lien shall attach only for water supplied and provided for, service rendered and materials furnished within a period of one year and six months next prior to the filing of the statement in the registry of deeds as provided in section forty-two B. The register of deeds shall record such certificate of acceptance in a book to be kept for the purpose, which shall be kept in an accessible location in the registry. Notwithstanding the authority to establish such a lien such overdue rates and charges may be collected through any legal means, including the shutting off of water, which may be deemed advisable; provided, that after the termination of such a lien no city, town or water district shall attempt to enforce, by shutting off the water, collection of any water rates or charges included in such lien from any person, not liable therefor, who has

succeeded to the title or interest of the person who incurred them. Sections forty-two B to forty-two F, inclusive, shall also apply to a water district which has accepted sections forty-two A to forty-two F, inclusive, and whose clerk has so filed the certificate of acceptance. Wherever in said sections the words "board or officer in charge of the water department" or their equivalent appear, they shall also mean and include the officers exercising similar duties in any city, town or district. A fire district authorized to supply water shall, for the purposes of sections forty-two A to forty-two F, inclusive, be deemed to be a water district.

SECTION 2. Said chapter forty is hereby further amended by striking out section forty-two B, as most recently amended by section two of said chapter four hundred and fifteen, and inserting in place thereof the following section: — *Section 42B.* Such lien shall take effect upon the filing for record in the registry of deeds for the county or district where the real estate lies of a statement by the board or officer in charge of the water department that the rates and charges for the supplying of or providing for water or the rendering of service or the furnishing of materials in connection therewith to or for the real estate therein described, to an amount therein specified, have remained unpaid for sixty days after their due date, and said lien, unless dissolved, or disclaimed and released, as hereinafter provided, shall continue until the account referred to in said statement has been added to or committed as a tax as provided in section forty-two D, and thereafter, unless so dissolved, or disclaimed and released, shall continue as provided in section thirty-seven of chapter sixty, except that the date provided for termination of the lien in case of a recorded alienation shall be at the expiration of two years from October first of the year of such addition or committal. Such statement shall contain the name of the owner of record of such real estate on January first of the year in which the statement is filed and a description of such real estate sufficiently accurate for identification. The register of deeds shall receive and record or, in case of registered land, file and register, said statement, and any certificate or disclaimer and release under this section duly filed for record. Such lien may be dissolved by filing for record in such registry of deeds a certificate from the collector of taxes, or from the officer or other person having the power and duty under local regulations, ordinances or by-laws to collect water rates and charges, that all rates and charges for which such lien attached, together with interest and costs thereon, have been paid or legally abated. In case such a lien is deemed invalid by the board or officer in charge of the water department or by the collector of taxes, said board or officer or said collector may, at any time prior to a sale or taking under chapter sixty for a tax or part of a tax which includes or consists of such rates and charges, or prior to the addition of such tax or part of a

G. L. (Ter. Ed.), 40, § 42B, etc., amended.

Lien, when to take effect.

tax to the tax title account, disclaim and release such lien by an instrument under the seal of such board or officer or collector and signed by such officer or collector or, on behalf of such board, by its authorized agent, and shall duly file the same for record in the proper registry of deeds, and at once give notice of such action to the collector, when such action is taken by the board or officer, or to the board or officer, when such action is taken by the collector. Water rates and charges the lien for which is so disclaimed and released and such rates and charges excluded by court decree under section seventy-six B of said chapter sixty shall, to the extent that they were properly chargeable to the person owning or to the tenant occupying the premises for which such rates and charges were incurred, be collectible against such person or tenant, as the case may be, and may be recovered in an action of contract at the instance of the board or officer in charge of the water department. If at the time of the filing of such disclaimer and release or of the entry of such decree such person or tenant is still the owner or tenant of the premises, whether through redemption or otherwise, such rates and charges, to the extent that they were properly chargeable to him, may be enforced in any other manner provided or available for collection and enforcement of water rates and charges.

G. L. (Ter. Ed.), 40, § 42C, etc., amended.

Unpaid accounts.

SECTION 3. Said chapter forty is hereby further amended by striking out section forty-two C, as most recently amended by section three of said chapter four hundred and fifteen, and inserting in place thereof the following section: — *Section 42C.* The collector of taxes shall have the same powers and be subject to the same duties with respect to unpaid accounts under sections forty-two A to forty-two F, inclusive, as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof and the redemption of land so sold or taken shall, except as otherwise provided, apply to unpaid accounts charged upon real estate under said sections forty-two A to forty-two F, inclusive.

G. L. (Ter. Ed.), 40, § 42D, etc., amended.

Interest on unpaid accounts.

SECTION 4. Said chapter forty is hereby further amended by striking out section forty-two D, as most recently amended by section four of said chapter four hundred and fifteen, and inserting in place thereof the following section: — *Section 42D.* Upon filing for record a statement under section forty-two B, the board or officer in charge of the water department shall add to the unpaid account, to be collected as a part thereof, a fee of one dollar for preparing and filing such statement. Said fee, when collected, shall be deemed to have been part of the original account due the city, town or water district and shall be accounted for as such. Upon commitment as a tax or part of a tax, as hereinafter provided, unpaid accounts under sections forty-two A to forty-two F, inclusive, shall be subject to the provisions of law relative to interest on the taxes of which they become,

or, if the property were not tax exempt would become, a part.

If any account referred to in a statement filed for record under section forty-two B remains unpaid when the assessors are preparing the real estate tax list and warrant to be committed by them under section fifty-three of chapter fifty-nine next after the filing of such statement, the board or officer in charge of the water department shall certify such unpaid account to the assessors, who shall forthwith add such account to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as a part of such tax. If the property to which the account relates is tax exempt, the account shall be committed as the tax. Except as otherwise provided, the provisions of chapters fifty-nine and sixty shall apply, so far as pertinent, to any unpaid account certified to the assessors hereunder. If a disclaimer and release under section forty-two B is filed before a sale or taking for a tax or part of a tax which includes such account, or before the addition of such a tax or part of a tax to the tax title account under said chapter sixty, the amount of the water account and interest thereon shall be subtracted from such tax or part of a tax before such sale, taking or addition takes place.

SECTION 5. Section forty-two E of said chapter forty, as most recently amended by section seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the sixth line, as appearing in the Tercentenary Edition, the words "thirty days after demand under section forty-two C" and inserting in place thereof the words: — the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, — so as to read as follows: — *Section 42E*. An owner of real estate aggrieved by a charge imposed thereon under sections forty-two A to forty-two F, inclusive, in addition to such remedy as he may have under section ten of chapter one hundred and sixty-five, may apply for an abatement thereof by filing a petition with the board or officer having control of the water department within the time allowed by law for filing an application for abatement of the tax of which such charge is, or, if the property were not tax exempt, would have been, a part, and if such board or officer finds that such charge is more than is properly due, a reasonable abatement shall be made; and except as otherwise provided herein, the provisions of chapter fifty-nine relative to the abatement of taxes by assessors shall apply, so far as applicable, to abatements hereunder. If such petition is denied in whole or in part, the petitioner may appeal to the appellate tax board upon the same terms and conditions as a person aggrieved by the refusal of the assessors of a city or town to abate a tax.

G. L. (Ter.
Ed.), 40,
§ 42E, etc.,
amended.

Abatements.

SECTION 6. Section ninety-five of chapter sixty of the General Laws, as most recently amended by section twenty-

G. L. (Ter.
Ed.), 60, § 95,
etc., amended.

Credits and
payments to
collector.

three of said chapter four hundred and fifty-one, is hereby further amended by striking out, in the seventh to the tenth lines, the words “; with all sums committed under section forty-two C of chapter forty and subsequently added to the annual tax and recommitted to him under section forty-two D of said chapter,” so as to read as follows:— *Section 95.* The collector shall be credited with all sums abated; with all sums committed and thereafter apportioned under section thirteen of chapter eighty; with the amount of all assessments not apportioned to subsequent years which have been committed under section four of chapter eighty, and subsequently recommitted to him to be added to the annual tax on the land; with the amount of taxes for which a judgment has been rendered by any court in favor of the city or town; with the amount of a claim for taxes allowed in favor of the city or town in bankruptcy or receivership cases; with the amount of taxes assessed upon any person committed to jail for non-payment of his tax within two years from the receipt of the tax list by the collector, and who has not paid his tax; with any sums which the town may see fit to abate to him, due from persons committed after the expiration of two years; with all sums withheld by the treasurer of a town under section ninety-three; subject to the provisions of sections forty-eight and fifty-five, with the amount of the taxes and costs, charges and fees where land has been purchased or taken by the town for non-payment of taxes; and upon certification in accordance with section sixty-one, with the amount of subsequent taxes which have become part of the terms of redemption in any tax title held by the town. When a collector is credited with the amount of taxes assessed upon any person committed to jail for the non-payment of his tax, who has not paid his tax, said collector shall also be paid and credited with the fees and charges which have become a part of said taxes and to which he or the officer acting under his warrant is entitled.

Application
of act.

SECTION 7. Sections forty-two A to forty-two F, inclusive, of chapter forty of the General Laws, as amended or affected by this act, shall continue to apply without further acceptance to all cities, towns, water districts and fire districts supplying water to which said sections applied immediately prior to the time of taking effect of this act. Said sections, as amended or affected by this act, shall also apply to all cities, towns, water districts and fire districts authorized to supply water which after said time accept said sections and file a certificate of such acceptance in the proper registry of deeds, as provided in said section forty-two A, as hereby amended, or which, having accepted said sections prior to said time, thereafter file such certificate as so provided.

Approved June 13, 1941.

AN ACT RELATIVE TO THE TENURE OF OFFICE OF CERTAIN *Chap.381*
EMPLOYEES OF THE APPELLATE TAX BOARD.

Be it enacted, etc., as follows:

Chapter fifty-eight A of the General Laws is hereby amended by striking out section five, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 5.* The members and employees of the board shall receive their necessary traveling expenses and their expenses actually incurred for subsistence while traveling outside the city of Boston in the performance of their duties. The board may, subject to the approval of the governor and council, appoint and fix the compensation of such employees, including a clerk, and make such expenditures, including expenditures for law books and publications, as may be necessary in order to execute efficiently the functions vested in said board. The clerk and assistant clerks shall hold office during good behavior, but subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All expenditures of the board shall be allowed and paid out of moneys appropriated for the purposes of the board, upon presentation of itemized vouchers therefor, signed by the chairman or a person designated by the board for the purpose.

G. L. (Ter. Ed.), 58A, § 5, amended.

Tenure of office of certain employees.

Traveling, etc., expenses.

Approved June 13, 1941.

AN ACT RELATIVE TO THE HOURS DURING WHICH DOG RACES *Chap.382*
ON WHICH THE PARI-MUTUEL SYSTEM OF WAGERING IS PERMITTED MAY BE CONDUCTED IN CERTAIN EMERGENCIES.

Be it enacted, etc., as follows:

Clause (c) of section three of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by adding at the end the following:— ; provided, that if by reason of national emergency night illumination is forbidden by public authority, then the commission may, in its discretion, issue a license to permit dog racing at such hours as said commission may determine, between the hours of twelve o'clock noon and twelve o'clock midnight,— so as to read as follows:—

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

(c) Dog racing at such meeting may be between the hours of seven o'clock post meridian and twelve o'clock midnight only; provided, that if by reason of national emergency night illumination is forbidden by public authority, then the commission may, in its discretion, issue a license to permit dog racing at such hours as said commission may determine, between the hours of twelve o'clock noon and twelve o'clock midnight.

Hours during which dog racing may be held.

Approved June 13, 1941.

Chap.383 AN ACT RELATIVE TO THE USE OF CERTAIN PARK LAND AT OLD SILVER BEACH IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized, upon a vote to that effect at any town meeting called for the purpose, to discontinue the use for park purposes of the park land at Old Silver Beach, so called, and thereafter to use and maintain said park land at Old Silver Beach as a town bathing beach or for such other municipal purposes as said town, from time to time, may determine, and said town may restrict the use of the same to its inhabitants, their guests, and seasonal residents, and may adopt by-laws, not repugnant to law, relative to the use, care, regulations and control of the same for such purposes.

SECTION 2. This act shall take effect upon its passage.

Approved June 18, 1941.

Chap.384 AN ACT PROVIDING THAT THE COUNTY OF HAMPDEN BE REIMBURSED FOR THE EXPENSE TO IT OF CERTAIN LITIGATION ARISING OUT OF THE ESTABLISHMENT OF THE METROPOLITAN WATER SUPPLY SYSTEM WITHIN ITS BOUNDARIES.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district water supply commission shall reimburse the county of Hampden for any and all necessary sums of money, not exceeding, in the aggregate, forty-three hundred and seven dollars and five cents, expended by said county resulting from litigation conducted in the courts of said county, either at law or in equity, arising out of the establishment of the metropolitan water supply system authorized by chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six or by chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven, or by both such chapters, and acts in amendment thereof and in addition thereto, whether commenced in accordance with the provisions of said chapters, or either of them, or under other provisions of law.

SECTION 2. The justice or justices before whom any such litigation is tried or heard shall certify to said commission the amount or amounts of the cost to said county of any such litigation tried or heard before him or them, and the same shall be paid by said commission to said county, within thirty days after the date of such certification, from the funds provided for metropolitan water supply purposes by said chapter three hundred and seventy-five and by chapters one hundred and eleven and three hundred and twenty-one, both of the acts of nineteen hundred and twenty-seven, and acts in amendment thereof and in addition thereto.

SECTION 3. This act shall take effect upon its passage.

Approved June 18, 1941.

AN ACT RELATIVE TO THE QUALIFICATIONS OF MEMBERS OF THE BOARD OF REGISTRATION OF BARBERS. *Chap. 385*

Be it enacted, etc., as follows:

SECTION 1. Section thirty-nine of chapter thirteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "and the following two sections" and inserting in place thereof the words: — section and in sections forty and forty-one, — and by striking out, in the fifth and sixth lines, the words "practical barber and shall have had five years of practical experience as a barber in this commonwealth prior to his appointment" and inserting in place thereof the following: — practising barber and shall have had five years of practical experience as a barber in this commonwealth prior to his original appointment and shall have been actively engaged in the occupation of barbering in this commonwealth for not less than six months during the twelve months immediately prior to such appointment, — so as to read as follows: — *Section 39.* There shall be a board of registration of barbers, in this section and in sections forty and forty-one called the board, to be appointed by the governor, with the advice and consent of the council, and to consist of three members, citizens of the commonwealth, each of whom shall be a practising barber and shall have had five years of practical experience as a barber in this commonwealth prior to his original appointment and shall have been actively engaged in the occupation of barbering in this commonwealth for not less than six months during the twelve months immediately prior to such appointment, and at least one of whom shall be a journeyman barber. No two members of the board shall, while in office, be engaged in practising the occupation of barbering in the same town. As the term of office of a member expires, his successor shall be appointed by the governor, with like advice and consent, to serve for three years. The governor may also, with like advice and consent, fill any vacancy in the board for the unexpired portion of the term.

G. L. (Ter. Ed.), 13, § 39, amended.

Board of registration of barbers.

SECTION 2. Nothing in this act shall be deemed to affect the term of office of any member of the board of registration of barbers in office upon the effective date thereof.

Effect of act limited.

Approved June 18, 1941.

AN ACT EXTENDING THE PROVISIONS OF CONTRIBUTORY RETIREMENT SYSTEMS IN CITIES AND TOWNS TO EMPLOYEES OF CERTAIN FIRE, WATER, SEWERAGE AND OTHER DISTRICTS. *Chap. 386*

Be it enacted, etc., as follows:

Section thirty-one I of chapter thirty-two of the General Laws, as amended by section three of chapter fifty-seven of

G. L. (Ter. Ed.), 32, § 311, etc., amended.

the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after subdivision (3) the following new subdivision:—

Acceptance
of retirement
system to
apply to fire,
etc., districts.

(4) (a) Any water, sewer, light, improvement or fire district, hereinafter called a district, all or part of which lies within the territory of a city or town which maintains a contributory retirement system for its employees under sections twenty-six to thirty-one H, inclusive, and a district which is located in two or more cities or towns, at least one of which has adopted said sections, may provide retirement benefits for its employees if said district shall by a vote duly recorded adopt said sections twenty-six to thirty-one H, inclusive, so far as applicable. A duly attested copy of such vote shall be filed by the clerk of the district, or person performing like duties, with the commissioner of insurance within thirty days after said vote. Said commissioner shall forthwith issue to the district a certificate that said sections shall be operative as to its employees from January first or from July first, whichever first occurs, following the expiration of three months after the date of such certificate. Said commissioner shall also notify the mayor or selectmen and the retirement board of each of the cities and towns within which the district lies of the acceptance of said sections by the district and the date on which said sections will become operative therein.

(b) On the date when said sections become operative for employees of any district as set forth in paragraph (4) (a) of this section, such employees may become members of the retirement system of the city or town within whose territory the district lies, or if in more than one city or town then in the system of the largest of such cities or towns which maintains such a system. Said employees shall have all the rights and obligations provided under said sections in the same manner as if the retirement system in the city or town had become operative on said date.

(c) In any district which provides retirement benefits for its employees as herein authorized, the retirement board of the city or town in which the employees of the district become members shall, on or before the fifteenth day of January in each year, certify to the district the amount payable to the various funds of the system on account of its employees for the year beginning on the first day of January in said year, and said district shall pay to the funds of said system the sums so certified.

(d) In any district which provides retirement benefits for its employees as herein authorized, if such district has taken over or shall take over any public or quasi-public enterprise formerly operated by any political subdivision or a corporation, the employees of such enterprise shall be credited with service to it which would have been creditable service if it had been rendered to the district.

Approved June 18, 1941.

AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF VET- *Chap. 387*
ERAN FIREMEN'S MUSTER DAY, SO CALLED.

Be it enacted, etc., as follows:

Chapter six of the General Laws is hereby amended by inserting after section twelve K, inserted by chapter eighty of the acts of nineteen hundred and thirty-eight, the following new section: — *Section 12L.* The governor shall annually issue a proclamation calling for proper observance of Veteran Firemen's Muster Day.

G. L. (Ter. Ed.), 6, new section 12L, added.

Veteran Firemen's Muster Day.

Approved June 18, 1941.

AN ACT AUTHORIZING THE STATE DEPARTMENT OF PUBLIC *Chap. 388*
HEALTH TO REGULATE POLLUTION AND CONTAMINATION OF
INLAND AND TIDAL WATERS.

Be it enacted, etc., as follows:

Section five of chapter one hundred and eleven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 111, § 5, amended.

It shall from time to time, after notice to all persons interested and a public hearing, and subject to the approval of the governor and council, prescribe and establish rules and regulations to prevent pollution or contamination of any or all of the lakes, ponds, streams, tidal waters and flats within the commonwealth or of the tributaries of such tidal waters and flats; provided, that nothing in said rules and regulations shall adversely affect any industry or any municipal sewerage system existing on January first, nineteen hundred and forty-one, and that nothing contained herein shall affect other powers and duties of the department as defined by any general or special law.

Regulation of pollution, etc., of certain waters.

Approved June 18, 1941.

AN ACT AUTHORIZING THE MAKING OF HOSPITAL RECORDS *Chap. 389*
BY THE PHOTOGRAPHIC OR MICRO-PHOTOGRAPHIC PROCESS,
THE ADMISSIBILITY OF SUCH RECORDS IN EVIDENCE, AND
THE DISPOSAL OF CERTAIN HOSPITAL RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section seventy of chapter one hundred and eleven of the General Laws, as amended by section five of chapter one hundred and ninety-four of the acts of the current year, is hereby further amended by inserting after the word "same" in the seventh line the two following new sentences: — Such records may be made in handwriting, or in print, or by typewriting, or by the photographic or micro-photographic process, or by any combination of the same. Whenever pre-existing hospital records shall have been photographed or micro-photographed and the photo-

G. L. (Ter. Ed.), 111, § 70, etc., amended.

Hospital
records.
Inspection,
copies.

graphs or micro-photographs shall have been duly indexed and filed by the hospital, the person in charge of the hospital, upon notifying in writing the supervisor of public records referred to in chapter sixty-six, may destroy the original records so photographed or micro-photographed, and such photographs or micro-photographs shall have the same force and effect as the original records from which they were made, — so as to read as follows: — *Section 70.* Hospitals supported in whole or in part by contributions from the commonwealth or from any town, incorporated hospitals offering treatment to patients free of charge, and incorporated hospitals conducted as public charities shall keep records of the treatment of the cases under their care and the medical history of the same. Such records may be made in handwriting, or in print, or by typewriting, or by the photographic or micro-photographic process, or by any combination of the same. Whenever pre-existing hospital records shall have been photographed or micro-photographed and the photographs or micro-photographs shall have been duly indexed and filed by the hospital, the person in charge of the hospital, upon notifying in writing the supervisor of public records referred to in chapter sixty-six, may destroy the original records so photographed or micro-photographed, and such photographs or micro-photographs shall have the same force and effect as the original records from which they were made. Such records and similar records kept prior to April twenty-fifth, nineteen hundred and five, shall be in the custody of the person in charge of the hospital. Section ten of chapter sixty-six shall not apply to such records; provided, that upon proper judicial order, whether in connection with pending judicial proceedings or otherwise, or, except in the case of records of hospitals under the control of the department of mental health, upon order of the head of the state department having supervision of such hospital, and in compliance with the terms of said order, such records may be inspected and copies furnished on payment of a reasonable fee.

G. L. (Ter.
Ed.), 233,
§ 79, amended.

Records.

SECTION 2. Chapter two hundred and thirty-three of the General Laws is hereby amended by striking out section seventy-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 79.* Records kept by hospitals under section seventy of chapter one hundred and eleven shall be admissible as evidence in the courts of the commonwealth so far as such records relate to the treatment and medical history of such cases; but nothing therein contained shall be admissible as evidence which has reference to the question of liability. Copies of photographic or micro-photographic records so kept by hospitals, when duly certified by the person in charge of the hospital, shall be admitted in evidence equally with the original photographs or micro-photographs.

Approved June 18, 1941.

AN ACT ESTABLISHING NON-PARTISAN PRELIMINARY MUNICIPAL ELECTIONS IN THE CITY OF HOLYOKE. *Chap. 390*

Be it enacted, etc., as follows:

SECTION 1. On the fourth Tuesday preceding every biennial municipal election in the city of Holyoke, and on the third Tuesday preceding every special municipal election in said city, at which any elective municipal office is to be filled, there shall be held, except as otherwise provided in section ten, a non-partisan preliminary municipal election for the purpose of nominating candidates therefor. The polls at every such non-partisan preliminary municipal election shall be opened at twelve o'clock noon and remain open until eight o'clock in the evening of said day.

SECTION 2. Except as is otherwise provided in said section ten, there shall not be printed on the official ballot to be used at any biennial or special municipal election in said city the name of any person as a candidate for any office unless such person has been nominated as such at a non-partisan preliminary municipal election, held as provided in this act. There shall not be printed on the official ballot for use at such non-partisan preliminary municipal election the name of any candidate for nomination at such election unless he shall have submitted, within the time limited and as provided by section three, the nomination paper therein described.

SECTION 3. Any person who is qualified to vote at any biennial or special municipal election for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have his name as such candidate printed on the official ballot to be used at a non-partisan preliminary municipal election for nomination therefor; provided, that he is a citizen of the United States of America and has been a resident of the city for at least two years prior to such biennial or special municipal election and that if he is a candidate to be voted for in a single ward he is a registered voter in the ward wherein he is a candidate; and provided, further, that on or before five o'clock in the afternoon of the eighth Tuesday preceding such biennial, or the sixth Tuesday preceding such special, municipal election there shall be submitted to the board of registrars of voters a nomination paper prepared and issued by the city clerk, wherein the candidate sets forth in writing his candidacy, and wherein the petition is signed in person by at least fifty, or, in case of a candidate for the office of mayor, by at least one hundred and fifty, voters of the city qualified to vote for a candidate for the said office, whose signatures are certified as hereinafter provided; and provided, further, that in case any such Tuesday falls on a holiday such action may be taken on the following day.

Said nomination papers shall be in substantially the following form: —

COMMONWEALTH OF MASSACHUSETTS
CITY OF HOLYOKE
NOMINATION PAPER
STATEMENT OF CANDIDATE

I (), hereby state that I am a citizen of the United States of America, that I have resided in the city of Holyoke for at least two years, that my present residence is (number, if any) on (name of street) in ward in said city, that I am a voter therein, qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for the office of (name of office) to be voted for at the non-partisan preliminary municipal election to be held on Tuesday, the day of , nineteen hundred and , and I request that my name be printed as such candidate on the official ballot for use at said non-partisan preliminary municipal election.

THIS STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

Signed this.....day of.....,

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office), we, the undersigned, voters of the city of Holyoke, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the non-partisan preliminary municipal election to be held on Tuesday, the day of , nineteen hundred and . We further state that we believe him to be of good moral character and qualified to perform the duties of the office, and that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto.

SIGNATURES OF NOMINATORS. (To be made in person.)	Residence January 1.	Ward.	Precinct.	Present Residence.

No acceptance by the candidate for nomination named in the said nomination paper shall be necessary to its validity or its filing. The petition may be on one or more papers. The city clerk shall prepare, and shall issue on the next secular

day, or if such day falls on a holiday on the next following secular day, following the calling of a special non-partisan preliminary municipal election, nomination papers for each office to be voted for thereat.

SECTION 4. After any such nomination paper has been submitted to said board of registrars of voters, hereinafter called the board, the board shall certify thereon the number of signatures which are the names of registered voters in said city qualified to sign the same. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board for one year. The board shall complete their certification on or before five o'clock in the afternoon of the sixth Tuesday preceding such biennial municipal election, or the fifth Tuesday preceding such special municipal election, and the board, or some member thereof, shall file with the city clerk on or before five o'clock in the afternoon of the next day all papers not found to be invalid as aforesaid.

SECTION 5. On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers with the city clerk, he shall post in a conspicuous place in his office the names and residences of the candidates for nomination who have duly qualified as such, as they are to appear on the official ballots to be used at the non-partisan preliminary municipal election, except as to the order of the names, which shall be drawn by lot by the city clerk within the seventy-two hours next succeeding five o'clock in the afternoon of the last day fixed for filing the nomination papers with him, and he shall cause the ballots, which shall contain said names in their order as drawn by him, and no others, with a designation of residence, and of the office, to be printed, and the ballots so printed shall be official and no others shall be used at the non-partisan preliminary municipal election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any biennial or special municipal election in said city unless such person is qualified to be nominated under the provisions of section three, and receives a number of votes at least equal to the number of signatures which is required to place his name on the ballot at such non-partisan preliminary municipal election as a candidate as aforesaid. There shall be printed on such ballots such directions as will aid the voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed substantially as follows:—

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for the offices of (name of offices) in the city of Holyoke at a non-partisan preliminary municipal election to be held on the day of , in the year nineteen hundred and

On the back and outside of each ballot when folded shall be printed the words "Official Ballot for Non-Partisan Preliminary Municipal Election", followed by the designation of the ward, precinct or precincts for which the ballot is prepared, the date of the non-partisan preliminary municipal election and a facsimile of the signature of the city clerk.

SECTION 6. No ballot used at any non-partisan preliminary municipal election in said city shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

SECTION 7. The board of aldermen shall determine on or before the ninth Tuesday preceding a biennial municipal election or on or before the seventh Tuesday preceding a special municipal election the question of holding the non-partisan preliminary municipal election by wards, precincts or groups of precincts; where the non-partisan preliminary municipal elections are held by precincts the regularly appointed election officers shall serve; where the non-partisan preliminary municipal elections are held by wards or groups of precincts the city clerk shall designate which of the election officers shall serve as non-partisan preliminary municipal election officers.

SECTION 8. The election officers shall, immediately upon the closing of the polls at non-partisan preliminary municipal elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in biennial municipal elections, to the city clerk, who shall canvass said returns and shall forthwith determine the result thereof, and post the same in a conspicuous place in his office.

SECTION 9. If any person receives at any non-partisan preliminary municipal election a total vote equal to one more than a majority of the registered voters of the city or, in the case of a ward alderman or ward school committeeman, a total vote equal to one more than a majority of the registered voters of the ward, he shall be deemed and declared to be elected to the office to which he was a candidate; otherwise the two persons receiving at a non-partisan preliminary municipal election the highest number of votes for nomination for any office, except one to which two or more persons are to be elected at the biennial or special municipal election following, and, as to each of such offices, the several persons in number equal to twice the number so to be elected receiving at such non-partisan preliminary

municipal election the highest number of votes for nomination for that office, shall, except as provided in this section and section ten, be the sole candidates for that office whose names may be printed on the official ballot to be used at the biennial or special municipal election at which such office is to be filled.

If the non-partisan preliminary municipal election results in a tie vote among candidates for nomination to any office receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon the names of candidates to a number exceeding twice the number to be elected.

SECTION 10. If at the expiration of the time for filing with the city clerk nomination papers for candidates to be voted for at any non-partisan preliminary municipal election there have not been filed with him more than twice as many such nomination papers for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballot to be used at the biennial or special municipal election following, and the city clerk shall not print said names upon the ballot to be used at said non-partisan preliminary municipal election, and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any non-partisan preliminary municipal election in any ward or wards of said city, no non-partisan preliminary municipal election shall be held in any such ward or wards.

SECTION 11. Non-partisan preliminary municipal elections in said city shall be subject to all general laws relative to elections, so far as the same are applicable thereto, except as otherwise expressly provided in this act.

SECTION 12. No city or ward committee of any political party in said city shall indorse, favor or oppose the candidacy of any nominee for elective municipal office.

SECTION 13. So much of chapter four hundred and thirty-eight of the acts of eighteen hundred and ninety-six, chapter three hundred and fifty-five of the acts of nineteen hundred and twelve and chapter six hundred and eight of the acts of nineteen hundred and thirteen, and acts in amendment thereof and in addition thereto, or of any other special law relative to the city of Holyoke, as is inconsistent with this act is hereby repealed.

SECTION 14. This act shall be submitted to the registered voters of the city of Holyoke at the biennial municipal election in said city to be held in the current year, in the form of the following question, which shall be placed upon the official ballot to be used at said election: — "Shall an

act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act establishing non-partisan preliminary municipal elections in the city of Holyoke', be accepted?" If the majority of the votes in answer to said question is in the affirmative, then this act shall take full effect for the biennial municipal election in said city in the year nineteen hundred and forty-three and for all municipal elections in said city thereafter, but not otherwise.

Approved June 18, 1941.

Chap. 391 AN ACT LIMITING THE APPLICATION OF CERTAIN PROVISIONS OF LAW REGULATING BANKING COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 172A, § 1, etc., amended.

SECTION 1. Section one of chapter one hundred and seventy-two A of the General Laws, as amended by section two of chapter two hundred and sixty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the sixth to the ninth lines, inclusive, the words "or upon any similar plan, and in connection therewith receives or proposes to receive money in one payment or in instalments upon certificates issued by it", so as to read as follows:—*Section 1.* Any corporation established under chapter one hundred and fifty-six which has an unimpaired paid-in capital of not less than fifty thousand dollars and is conducting or proposes to conduct within the commonwealth the business of loaning money on the Morris plan, so called, may be authorized to do the business of a banking company in the manner and subject to the conditions and limitations specified in this chapter; provided, that no such corporation shall be authorized to do such business in any city having a population of more than three hundred thousand unless it has an unimpaired paid-in capital of not less than two hundred thousand dollars, or in any city having a population of more than one hundred thousand but not exceeding three hundred thousand unless it has an unimpaired paid-in capital of not less than one hundred thousand dollars.

Regulating corporations loaning money on the Morris plan, so called.

Application of act.

SECTION 2. Nothing in this act shall affect any corporation authorized, prior to the effective date of this act, under section one of chapter one hundred and seventy-two A of the General Laws, as then in force, to do the business of a banking company in the manner and subject to the conditions and limitations then specified in said chapter one hundred and seventy-two A.

Effective date.

SECTION 3. This act shall take effect upon January first, nineteen hundred and forty-two.

Approved June 18, 1941.

AN ACT PROVIDING FOR AN ADEQUATE WATER SUPPLY FOR DOMESTIC AND FIRE PROTECTION PURPOSES AT THE BRISTOL COUNTY AGRICULTURAL SCHOOL. Chap. 392

Be it enacted, etc., as follows:

SECTION 1. For the purpose of supplying the Bristol county agricultural school with pure water for domestic and other purposes, the county commissioners of Bristol county, in the name and on behalf of said county, may take by eminent domain under chapter seventy-nine of the General Laws, or by purchase or otherwise, and hold, the waters of any underground water sources by means of wells, filter galleries or other works, in the towns of Berkley and Dighton, not already appropriated for public water supply purposes, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to said school, including such lands, rights of way and other easements as may be necessary for constructing and maintaining a pumping station and electric power lines to supply power thereto.

SECTION 2. For the purposes aforesaid, the trustees of the Bristol county agricultural school may construct and maintain on the lands of such school, whether or not acquired and held under this act, a pumping station, may construct and maintain a line for the transmission of electricity for furnishing power to such station, including the wires, poles and conduits necessary therefor, and proper buildings, fixtures and other structures, including also purification and treatment works, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of a complete and effective water system; and for that purpose may erect poles and wires, and construct and lay conduits, pipes and other works over, under or across any lands, water courses and public or private ways in such manner as not unnecessarily to obstruct the same; and for the purpose of erecting, constructing, maintaining and repairing poles, wires, conduits, pipes and other works and for all other proper purposes of this act, said trustees may dig up any such lands, and, under the supervision of the selectmen of the towns of Berkley and Dighton, respectively, may enter upon and dig up any such ways in said towns or either of them, in such manner as to cause the least hindrance to public travel thereon. Said trustees shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as they may agree upon with such cor-

poration or, in case of failure so to agree, as may be approved by the department of public utilities. Said trustees may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

For the purposes aforesaid, said trustees may expend a sum or sums, not exceeding, in the aggregate, thirty-five thousand dollars.

SECTION 3. Said trustees are hereby authorized to purchase water from, or to sell water to, the South Dighton Fire and Water District; and such district is hereby authorized to purchase water from, or sell water to, said school.

SECTION 4. The location of all wells and filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of the department of public health.

SECTION 5. Any person injured in his property by any taking under this act or by any other thing done under authority thereof may recover damages therefor from the county of Bristol under said chapter seventy-nine.

SECTION 6. For the purposes aforesaid, the county treasurer of the county of Bristol with the approval of the county commissioners, may borrow from time to time, on the credit of the county, such sums as may be necessary, not exceeding, in the aggregate, thirty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Bristol County Agricultural School Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of said county and countersigned by a majority of the county commissioners. The county may sell such securities at public or private sale, and the proceeds shall be used only for the purposes specified in this act. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 7. This act shall take full effect upon its acceptance during the current year by the county commissioners of Bristol county, but not otherwise.

Approved June 20, 1941.

Chap. 393 AN ACT AUTHORIZING THE ISSUANCE OF PERMITS TO THE UNITED STATES OF AMERICA FOR THE USE OF CERTAIN AREAS IN STATE FORESTS FOR NATIONAL DEFENSE PURPOSES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which, in view of the present national emergency, is to make available at once to the United States of America certain state forest lands for military uses, there

fore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

The commissioner of conservation is hereby authorized, with the approval of the governor and council, to issue permits to the United States of America to use, for defense purposes during the present national emergency only, such areas in state forests as may be designated in such permits by said commissioner.

Approved June 20, 1941.

AN ACT FURTHER REGULATING THE POWERS AND DUTIES
OF THE COMMISSION ON INTERSTATE CO-OPERATION WITH
RESPECT TO THE INTERNAL MANAGEMENT THEREOF. *Chap. 394*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-one of chapter nine of the General Laws, as appearing in section one of chapter four hundred and four of the acts of nineteen hundred and thirty-seven, is hereby amended by inserting after the word "chairman" in the twenty-first line the words:— and the vice-chairman, — and by inserting after the word "duties" in the twenty-fifth line the following: — The written approval by the chairman or vice-chairman and four other members of the commission of bills or vouchers for necessary expenses incurred by the commission shall be sufficient to authorize the comptroller to certify such bills or vouchers, — so as to read as follows: — *Section 21.* There shall be in the department of the state secretary, but in no way subject to his control, a commission on interstate co-operation, in this and the four following sections called the commission. The commission shall consist of nine members of the general court, of whom three shall be members of the senate designated by the president thereof and six shall be members of the house of representatives designated by the speaker thereof, one of the commissioners on uniform state laws designated by said commissioners, the chairman or a member of the state planning board designated by the governor, and four persons, who may be state officials, appointed by the governor. Members appointed by the governor shall serve at his pleasure. Each member of the senate or house of representatives designated as a member of the commission shall hold office for the term of four years, unless, prior to the expiration of such term, he shall cease to be a member of said senate or house of representatives; and, in any such event, the resulting vacancy shall be filled by designation, for the remainder of the unexpired term, made in the same manner as an original designation. The chairman and the vice-chairman of the commission shall be elected by the commission. The members of the commission shall serve without compensation but shall be paid their necessary ex-

G. L. (Ter.
Ed.), 9, § 21,
etc., amended.

Commission
on interstate
co-operation.

penses incurred in the performance of their duties. The written approval by the chairman or vice-chairman and four other members of the commission of bills or vouchers for necessary expenses incurred by the commission shall be sufficient to authorize the comptroller to certify such bills or vouchers. The commission may employ a secretary and such other assistants, including technical experts, as may be required in the performance of its duties.

G. L. (Ter. Ed.), 9, § 23, etc., amended.

Duties of commission.

SECTION 2. Section twenty-three of said chapter nine, as so appearing, is hereby amended by striking out, in the ninth line, the word "five" and inserting in place thereof the word:— three, — so as to read as follows:— *Section 23.* It shall be a primary function of the commission to further the participation of the commonwealth as a member of the council of state governments, both regionally and nationally, to confer with officials of other states and of the federal government, to formulate proposals for co-operation between this commonwealth and other states, and with the federal government, and to organize and maintain facilities for accomplishing these purposes. The commission may delegate not more than three of its members to attend any interstate conference that may be necessary or advisable in the conduct of its negotiations. The commission shall give particular attention to the establishment of fair and reasonable standards for labor and industry, including minimum wages, maximum hours of labor, conditions of employment of women and minors and other conditions and standards of employment, and shall also consider such questions as taxation and crime prevention, and such other subjects as may from time to time be referred to it by the governor or the general court. *Approved June 20, 1941.*

Chap. 395 AN ACT AUTHORIZING THE MASSACHUSETTS MILITARY ACADEMY TO OFFER TO SELECTED ENLISTED MEN AND COMMISSIONED OFFICERS OF THE ORGANIZED MILITIA ITS COURSES OF INSTRUCTION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 33, § 65, etc., amended.

Paragraph (a) of section sixty-five of chapter thirty-three of the General Laws, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out, in the fourth line, the words "National Guard" and inserting in place thereof the words:— organized militia, — so as to read as follows:—

Massachusetts Military Academy.

(a) There is hereby established the Massachusetts Military Academy, hereinafter called the academy, which shall offer to selected enlisted men and commissioned officers of the organized militia of satisfactory educational and military attainments such courses of instruction to prepare them for the responsibility of commissioned command as the commander-in-chief may prescribe. *Approved June 20, 1941.*

AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC HEALTH SHALL NOTIFY LICENSEES CONDUCTING RECREATIONAL CAMPS, OVERNIGHT CAMPS OR CABINS AND TRAILER CAMPS OF THE RESULTS OF CERTAIN INSPECTIONS MADE BY SAID DEPARTMENT. Chap. 396

Be it enacted, etc., as follows:

Section thirty-two B of chapter one hundred and forty of the General Laws, inserted by chapter four hundred and sixteen of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "health" in the seventeenth line the words: — and such licensee, — so as to read as follows: — *Section 32B.* The board of health of any city or town, in each instance after notice and a hearing, may grant, and may suspend or revoke, licenses for recreational camps, overnight camps or cabins or trailer camps located within such city or town, which license, unless previously suspended or revoked, shall expire on December thirty-first in the year of issue. The fee for such license shall be fifty cents. Such board of health shall at once notify the state department of public health of the granting of such a license, and said department shall have jurisdiction to inspect the premises so licensed to determine that the sources of water supply and the works for the disposition of the sewage of such premises are sanitary. If upon inspection of such premises said department finds the sources of water supply to be polluted or the works for the disposition of the sewage to be insanitary, or both of such conditions, said department shall forthwith notify such board of health and such licensee to that effect by registered mail and said board shall forthwith prevent the use of any water supply found by said department to be polluted. Unless such licensee shall, within thirty days following the giving of such notice, correct the conditions at such premises to the satisfaction of both said department and such board the license so granted shall be suspended or revoked by such board. Any license so suspended may be reinstated by such board when the conditions at such premises, as to sources of water supply and works for the disposition of sewage, are satisfactory to said department and such board. The board of health of a city or town may adopt, and from time to time alter or amend, rules and regulations to enforce this section in such city or town.

G. L. (Ter. Ed.), 140, § 32B, etc., amended.

Licenses for overnight, etc., camps, etc.

Approved June 20, 1941.

AN ACT PERMITTING CERTAIN FRATERNAL BENEFIT SOCIETIES TO CONTRACT WITH INSURANCE COMPANIES FOR THE PAYMENT OF BENEFITS. Chap. 397

Be it enacted, etc., as follows:

Chapter one hundred and seventy-six of the General Laws is hereby amended by inserting after section forty-six B the following new section: — *Section 46C.* Any society subject

G. L. (Ter. Ed.), 176, new section 46C, added.

Contracts
for payment
of benefits.

to section forty-six may provide for the payment of any part or all of the benefits payable to its members by such society by agreement in writing with an insurance company for the payment of such benefits. The premiums or charge for such insurance may be paid from the periodical or other payments by members of such society. *Approved June 20, 1941.*

Chap.398 AN ACT FURTHER REGULATING THE ALLOWANCE OF ACCOUNTS OF GUARDIANS AND CONSERVATORS OF INMATES OF CERTAIN INSTITUTIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HEALTH, AND RELATIVE TO THE COLLECTION OF SUMS DUE FOR THE SUPPORT OF SUCH PERSONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 123,
§ 96, etc.,
amended.

Section ninety-six of chapter one hundred and twenty-three of the General Laws, as amended by section forty-one of chapter three hundred and fifty-one of the acts of the current year, is hereby further amended by striking out the third paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:—

Allowance of
guardian's,
etc., accounts.

No account of any guardian or conservator of such an inmate shall be allowed except after notice to the department or upon its written assent or waiver of notice. If the probate court, upon application of the department, finds that any such guardian or conservator having in his possession or under his control property of his ward exceeding five hundred dollars in value, has failed to pay, within three months after receipt of any bill therefor, for the support of his ward at the rate determined by the department under authority of this section, said court may make an order for the payment from the estate of such amount as it may determine.

Approved June 20, 1941.

Chap.399 AN ACT FURTHER REGULATING THE SETTLEMENT OF ESTATES OF ABSENTEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 200,
§ 12, amended.

Compensation
of receivers,
etc.

SECTION 1. Chapter two hundred of the General Laws is hereby amended by striking out section twelve, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—*Section 12.* The receiver shall be allowed such compensation and disbursements as the court orders, to be paid out of said property or proceeds. If before any order for distribution is made under section thirteen, such absentee, or a duly appointed administrator, executor, assignee in insolvency or trustee in bankruptcy of his estate, or his duly appointed guardian or conservator, appears and claims said property, such receiver shall account for, deliver and pay over to such absentee or legal representative the remainder thereof, after making such deductions as may be allowed under this section and section

ten. If such absentee or legal representative does not appear and claim said property prior to any such order, all the right, title and interest of such absentee in said property, real or personal, or the proceeds thereof shall cease, except as provided in section thirteen, and no action shall be brought by him or such legal representative on account thereof.

SECTION 2. Said chapter two hundred is hereby further amended by striking out sections thirteen and fourteen, as so appearing, and inserting in place thereof the following new section:— *Section 13.* If upon the expiration of fourteen years after the date of the disappearance or absconding as found and recorded by the court or, in case such receiver is not appointed within thirteen years after said date, upon the expiration of one year after the date of the appointment of the receiver, the remainder of said property has not been accounted for, delivered or paid over to the absentee or his legal representative under section twelve, the court shall order the distribution thereof to the persons to whom, and in the shares and proportions in which, it would have been distributed if said absentee had died intestate within the commonwealth on the date of the expiration of said fourteen years or of said one year, as the case may be. Said remainder shall accordingly be so distributed unless, before such distribution is completed, the absentee or his legal representative referred to in section twelve appears and claims the same, in which case the court, upon the petition of the receiver or such absentee or legal representative, may make such further order relative to the distribution thereof as it deems just and equitable. *Approved June 20, 1941.*

G. L. (Ter. Ed.), 200, §§ 13 and 14, amended.

Distribution of property.

AN ACT RELATIVE TO CERTAIN CONTRACTS OF GAS AND ELECTRIC COMPANIES. *Chap. 400*

Be it enacted, etc., as follows:

SECTION 1. Section ninety-four A of chapter one hundred and sixty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third and in the sixteenth lines, the words "two years" and inserting in place thereof, in each instance, the words:— one year,— so as to read as follows:— *Section 94A.* No gas or electric company shall hereafter enter into a contract for the purchase of gas or electricity covering a period in excess of one year without the approval of the department, unless such contract contains a provision subjecting the price to be paid thereunder for gas or electricity to review and determination by the department in any proceeding brought under section ninety-three or ninety-four; provided, that nothing herein contained shall be construed as affecting a contract for the purchase of gas or electricity from a person or corporation engaged in manufacturing, where the manufacture, sale or distribution of gas or electricity by such person or corporation is a minor portion of

G. L. (Ter. Ed.), 164, § 94A, amended.

Approval of contracts by department.

his or its business, and which contract is made in connection with a contract to supply such person or corporation with gas or electricity. In any such proceeding the department may review and determine the price to be thereafter paid for gas or electricity under a contract containing said provision for review. Any contract covering a period in excess of one year subject to approval as aforesaid, and which is not so approved or which does not contain said provision for review, shall be null and void.

G. L. (Ter. Ed.), 164, § 94B, amended.

Contracts with affiliated companies.

SECTION 2. Section ninety-four B of said chapter one hundred and sixty-four, as so appearing, is hereby amended by striking out, in the fourth and in the fifteenth lines, the words "two years" and inserting in place thereof, in each instance, the words: — one year, — so as to read as follows: — *Section 94B.* No gas or electric company shall, without the approval of the department, hereafter enter into a contract with a company related to it as an affiliated company, as defined in section eighty-five, covering a period in excess of one year, by virtue of which any compensation is to be paid by the said gas or electric company in whole or in part for services rendered by such affiliated company, unless such contract contains a provision subjecting the amount of compensation to be paid thereunder to review and determination by the department in any proceeding brought under section ninety-three or ninety-four. In any such proceeding the department may review and determine the amount of compensation to be thereafter paid under a contract containing such provision for review, and, if it appears that the amount agreed on is excessive, the department may declare the said contract to be terminated forthwith, even if no bad faith be found. Any contract covering a period in excess of one year, subject to approval as aforesaid, and which is not so approved or which does not contain such provision for review, shall be null and void.

G. L. (Ter. Ed.), 164, new section 94E, added.

Notice of termination of contracts.

SECTION 3. Said chapter one hundred and sixty-four is hereby further amended by inserting after section ninety-four D, inserted by chapter two hundred and forty-three of the acts of nineteen hundred and thirty-six, the following new section: — *Section 94E.* A gas or electric company required to file any contract with the department under section ninety-four shall, unless such contract terminates at a time expressly stated therein, notify the department forthwith upon the termination thereof.

Approved June 23, 1941.

Chap. 401 AN ACT RELATIVE TO THE PENALTY FOR CERTAIN DISCRIMINATION IN THE ISSUANCE OR EXECUTION OF MOTOR VEHICLE LIABILITY POLICIES AND BONDS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 113E, etc., amended.

Section one hundred and thirteen E of chapter one hundred and seventy-five of the General Laws, inserted by

chapter sixty-one of the acts of nineteen hundred and thirty-four, is hereby amended by adding at the end the following new sentence:— Whoever violates any provision of this section shall be punished by a fine of five hundred dollars, — so as to read as follows:— *Section 113E.* No insurance company, and no officer or agent thereof on its behalf, shall refuse to issue or execute as surety a motor vehicle liability policy or bond, both as defined in section thirty-four A of chapter ninety, because of the race or color of the applicant therefor. Whoever violates any provision of this section shall be punished by a fine of five hundred dollars.

Penalty for refusal to issue motor vehicle liability policy or bond.

Approved June 23, 1941.

AN ACT ESTABLISHING A MERIT SYSTEM, SUBSTANTIALLY SIMILAR TO THE CIVIL SERVICE SYSTEM, FOR CERTAIN OFFICERS AND EMPLOYEES OF LOCAL BOARDS OF PUBLIC WELFARE, TO BE ADMINISTERED BY THE DIVISION OF CIVIL SERVICE, AND VALIDATING ACTION UNDER THE MERIT SYSTEM INSTALLED AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC WELFARE AT THE INSTANCE OF THE FEDERAL SOCIAL SECURITY BOARD.

Chap. 402

Whereas, The federal government requires, as a condition precedent to the continuance of the granting of federal funds to the commonwealth and its political subdivisions for old age assistance or aid to dependent children, that the provisions of this act or substantially similar provisions shall become operative as soon as may be, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-seven B, inserted by chapter two hundred and ninety of the acts of the current year, the two following new sections:— *Section 47C.* (1) This chapter, and the rules and regulations made thereunder, shall apply to all positions in each city or town which are not otherwise subject to this chapter and the duties of which require full time or part time on work under the charge of the board of public welfare or officer having the powers and duties of such a board, except the position of member of the board of public welfare or of any board having charge of a bureau of old age assistance, and except the position of any officer having the powers and duties of a board of public welfare when such position is, or is to be, filled by popular election. As used in this section, the words "board of public welfare" shall include any body, however named, having the powers and duties of a board of public welfare, but shall not include a board of public welfare consisting of two members one of whom, in the management of the municipal welfare department, acts in a capacity subordinate to that of the other.

G. L. (Ter. Ed.), 31, new sections 47C and 47D, added.

Merit system, establishment of.

(2) Each person appointed to or employed in any such position subject to this chapter, whether made subject thereto by this section or otherwise, shall have unlimited tenure of such position, subject otherwise to the pertinent provisions of this chapter.

(3) If there is no suitable list established for a city or town of persons eligible to positions, in the service of such city or town, which are referred to in this section and made subject to this chapter by this section or otherwise, the director may certify from, and appointments may be made from, any suitable list of persons eligible to such positions established for a district in which such city or town is situated, notwithstanding any provision of law requiring that such a position be filled by a person domiciled or resident in such city or town. Provisional appointments to positions referred to in this section and made subject to this chapter by this section or otherwise shall be made only after certification by the director that the proposed appointee meets the minimum qualifications required.

(4) This section shall apply in any city or town notwithstanding any provision of special law.

Director,
rules and
regulations.

Section 47D. The director shall establish, with the approval of a board consisting of the commissioner of public welfare, the chairman of the civil service commission and the director of accounts, ex officio, a compensation plan for holders of positions referred to in section forty-seven C and made subject to this chapter by said section or otherwise. The director may, with like approval, make rules and regulations providing for the application and administration of said compensation plan. The director, with like approval, may from time to time modify or change said compensation plan or said rules and regulations. Any holder of such a position objecting to any provision of such plan, or any action taken in connection therewith, which affects his office or position, may appeal in writing to said board and shall be entitled to a hearing, after due notice, upon such appeal. The decision of said board shall be final.

G. L. (Ter.
Ed.), 31,
§ 2A, etc.,
amended.

SECTION 2. Section two A of said chapter thirty-one is hereby amended by striking out clause (e), as appearing in section eleven of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following clause: —

Eligible
lists.

(e) Establish eligible lists and certify the names of persons eligible for public positions and employments upon the requisition of the proper appointing authority of the commonwealth or of any city or town subject to the provisions of this chapter, and such lists for positions referred to in section forty-seven C and made subject to this chapter by said section or otherwise may be established, according to the results of state-wide examinations, on the basis of the respective cities and towns where the positions are to be filled and, on the basis of districts in which the cities and towns are respectively situated;

SECTION 3. Said chapter thirty-one is hereby further amended by striking out section five, as most recently amended by section fourteen of said chapter two hundred and thirty-eight, and inserting in place thereof the following section: — *Section 5.* No rule made by the commission shall apply to the selection or appointment of any of the following: —

G. L. (Ter. Ed.), 31, § 5, etc., amended.

Application of rules.

Judicial officers; officers elected by the people or, except as otherwise expressly provided in this chapter, by a city council; officers whose appointment is subject to confirmation by the executive council; officers whose appointment is subject to confirmation by the city council of any city, except those expressly made subject to this chapter by section forty-seven C; officers whose appointment is subject to the approval of the governor and council; officers elected by either branch of the general court and the appointees of such officers; heads of principal departments of the commonwealth or of a city except as otherwise provided by section four or as otherwise required by section forty-seven C; directors of divisions authorized by law in the departments of the commonwealth, except those expressly made subject to this chapter; employees of the state treasurer appointed under section five of chapter ten, employees of the commissioner of banks, and of the treasurer and collector of taxes of any city; two employees of the city clerk of any city; public school teachers; secretaries and confidential stenographers of the governor, or of the mayor of any city; clerical employees in the registries of probate of all the counties; police and fire commissioners and chief marshals or chiefs of police and of fire departments, except as provided in section forty-nine; and such others as are by law exempt from the operation of this chapter.

SECTION 4. Every person on the effective date of this act holding a position referred to in section one and made subject to chapter thirty-one of the General Laws otherwise than by section one who does not have unlimited tenure of such position as provided in said section shall from said date have unlimited tenure thereof as aforesaid.

Temporary provisions.
Tenure.

SECTION 5. Every person on said effective date holding a position referred to in section one and made subject to said chapter thirty-one by said section one who was an incumbent thereof on April fifteenth, nineteen hundred and forty, and has taken a qualifying examination pursuant to the provisions of "Rules for a Merit System in Massachusetts covering Old Age Assistance and Aid to Dependent Children" promulgated by the department of public welfare, a copy of which is on file in the office of the state secretary, shall, from said effective date, have unlimited tenure thereof as provided in said section one, subject to the condition that if he fails to pass said examination his position, if not previously vacated, shall thereupon become vacant.

Temporary provisions.

SECTION 6. Every person on said effective date holding a position referred to in section one and made subject to

Temporary provisions.

said chapter thirty-one by said section one, who was permanently appointed thereto or employed therein to fill a vacancy occurring after April fifteenth, nineteen hundred and forty, pursuant to the provisions of the rules referred to in section five, shall from said effective date have unlimited tenure of such position as provided in section one.

Temporary provisions.

SECTION 7. Every person on said effective date holding a position referred to in section one and made subject to said chapter thirty-one by said section one, other than persons holding provisional appointments under said rules and other than persons referred to in sections five and six, shall, from said effective date, have unlimited tenure thereof as provided in section one; provided, that the director of civil service shall, as soon as may be, require him to take a qualifying examination for such position and that if he fails to take or to pass said examination his position, if not previously vacated, shall thereupon become vacant.

Effect of prior acts.

SECTION 8. In carrying out the provisions of this act, any classification or list, or any act made or done pursuant to the provisions of the rules referred to in section five, shall have the same standing and effect as if it had been made or done under said chapter thirty-one, as amended by this act, and the rules and regulations made under said chapter.

Effective date.

SECTION 9. Section one of this act shall become operative on the effective date thereof without provision being made by rule for including within the classified civil service positions made subject to said chapter thirty-one by said section one.

Approved June 24, 1941.

Chap. 403 AN ACT RELATIVE TO AN ACTING DIRECTOR OF CIVIL SERVICE.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide an officer to take the place of the director of civil service during a temporary absence that may occur less than ninety days after the passage of this act, therefore it is hereby declared to be an emergency law, necessary for the immediate protection of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, § 2, etc., amended.

Section two of chapter thirteen of the General Laws, as amended by section two of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the second paragraph the following new paragraph:—

Acting director.

The director, if his action is supported by four affirmative votes of the commission, may designate some person within the division as acting director of civil service, to perform the duties of the director during his temporary absence or disability. Such acting director shall not receive any additional compensation therefor.

Approved June 24, 1941.

AN ACT RELATIVE TO VISITATIONS BY THE DEPARTMENT OF PUBLIC WELFARE OF CERTAIN PERSONS RECEIVING PUBLIC AID. Chap. 404

Be it enacted, etc., as follows:

Chapter one hundred and twenty-one of the General Laws is hereby amended by striking out section seven, as most recently amended by section twelve of chapter three hundred and fifty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following: — *Section 7.* The department may, at any time, visit all places where persons who have no legal settlement are supported, and ascertain from actual examination and inquiry whether the laws relative to such persons are properly observed, particularly in relation to such as are able to labor; and shall give such directions as will insure correctness in the returns required in relation to persons aided; and may use necessary means to collect information relative to their support. It shall visit the Tewksbury state hospital and infirmary and the Lyman school for boys, for the purpose of inspection, at least once a month, and, by women appointed for the purpose, may at all hours of the day or night have access to the portions of said first mentioned institution occupied by the women or children there maintained at public expense, and may require from the officers of said institutions information concerning the condition and treatment of the inmates. It shall visit all infirmaries maintained in towns. It shall visit and inspect, at least once a year, every wayfarers' lodge and every public lodging house in the commonwealth, and for this purpose may enter upon any premises where such lodge or lodging house is maintained at any time of the day or night. It shall upon the request or with the consent of a charitable corporation which, under section twelve of chapter one hundred and eighty, is required to make an annual report to said department, at least once a year, visit and inspect the institution or investigate the work of such corporation. It may visit and inspect all places where persons are supported in families by towns.

G. L. (Ter. Ed.), 121, § 7, etc., amended.

Visitations.

Approved June 24, 1941.

AN ACT CHANGING THE METHOD OF REIMBURSEMENT BY THE COMMONWEALTH ON ACCOUNT OF AID RENDERED BY CITIES AND TOWNS TO DEPENDENT CHILDREN. Chap. 405

Be it enacted, etc., as follows:

Chapter one hundred and eighteen of the General Laws is hereby amended by striking out section six, as appearing in section one of chapter four hundred and thirteen of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section: — *Section 6.* In respect to all sums disbursed for aid under this chapter, the town dis-

G. L. (Ter. Ed.), 118, § 6, etc., amended.

Reimbursement.

bursing the same shall submit, on forms established by the department, statements of sums so disbursed by said town and, if such expenditure has been approved by the department, shall be reimbursed by the commonwealth, to the extent of the moneys received by it from the federal government on account of such disbursements, under the provisions of the federal social security act, as amended, and also for one third of the total amount disbursed.

Approved June 24, 1941.

Chap. 406 AN ACT RELATIVE TO THE DATE OF RENDERING CERTAIN ACCOUNTS FOR STATE REIMBURSEMENT ON ACCOUNT OF CERTAIN PUBLIC AID.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 121, § 42, etc., amended.

Approval and payment of accounts.

Section forty-two of chapter one hundred and twenty-one of the General Laws, as amended by section twenty-two of chapter one hundred and eighty of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the eighth and ninth lines, the words “, section six of chapter one hundred and eighteen”, — by striking out, in the eleventh line, the word “October” and inserting in place thereof the word: — September, — and by inserting before the word “town”, in the seventeenth and in the nineteenth lines, in each instance, the words: — city or, — so as to read as follows: — *Section 42.* All accounts against the commonwealth for allowances to counties, cities and towns on account of moneys paid for which they are entitled to reimbursement by the commonwealth under the provisions of section five of chapter one hundred and two, section one hundred and sixteen of chapter one hundred and eleven, sections seventeen and eighteen of chapter one hundred and seventeen and sections fifteen and eighteen of chapter one hundred and twenty-two shall be rendered to the department on or before the first day of September annually, and shall be for the twelve months ending on the thirtieth day of June preceding, and, if rendered as aforesaid, approved by the department and certified by the comptroller but not otherwise, shall be paid by the commonwealth; provided, however, that such accounts for the twelve months aforesaid for allowances to a city or town, if rendered at any time prior to the sixtieth day after the close of the current fiscal year of the city or town, may be received and, in the discretion of the department and upon certification by the comptroller, be allowed and paid when an appropriation therefor has been made. Failure to comply with the rules and regulations of the department shall be ground for disapproval of any account.

Approved June 24, 1941.

AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF TAUNTON, CHANGING THE NUMBER AND MANNER OF ELECTING THE MEMBERS OF ITS MUNICIPAL COUNCIL, AND CHANGING THE TERMS OF THE MEMBERS OF ITS SCHOOL COMMITTEE. *Chap. 407*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter four hundred and forty-eight of the acts of nineteen hundred and nine, as amended by section one of chapter two hundred and fifty-three of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the third line, the word "thirteen" and inserting in place thereof the word: — nine, — so as to read as follows: — *Section 3.* The municipal officers to be elected at city elections shall be the mayor; members of a single council, to consist of nine members, to be called the municipal council; and members of the school committee. The said municipal officers shall be elected at the times and in the manner hereinafter specified.

SECTION 2. Said chapter four hundred and forty-eight is hereby further amended by striking out section four, as amended by section two of said chapter two hundred and fifty-three, and inserting in place thereof the following: — *Section 4.* At the regular city election in the year nineteen hundred and forty-three, and at the biennial city election in every second year thereafter, there shall be elected, by and from the qualified voters of the entire city, a mayor, nine councilmen and a school committee of nine members.

SECTION 3. Said chapter four hundred and forty-eight is hereby further amended by striking out section five and inserting in place thereof the following section: — *Section 5.* On the third Tuesday preceding every biennial or special city election at which any officer mentioned in section four is to be elected, there shall be held a preliminary election or caucus for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such biennial or special election.

SECTION 4. Section ten of said chapter four hundred and forty-eight, as amended by section three of said chapter two hundred and fifty-three, is hereby further amended by striking out, in the tenth line, the word "four" and inserting in place thereof the word: — three, — by striking out, in the twelfth line, the word "seven" and inserting in place thereof the word: — five, — and by striking out, in the fourteenth line, the word "eight" and inserting in place thereof the word: — six, — so as to read as follows: — *Section 10.* A majority of the members of the municipal council shall constitute a quorum. Its meetings shall be public, and the mayor, if present, shall preside. The municipal council shall elect a president, who shall hold office during the pleasure of the council, and who shall preside in the absence of the mayor. In the absence of both, a chairman pro tempore

shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep the records of its proceedings. All votes of the council shall be by yeas and nays, if three members so request, and shall be entered upon the records. The affirmative vote of at least five members shall be necessary for the passage of any order, ordinance, resolution or vote and it shall require six votes to pass an order over the mayor's veto.

SECTION 5. Section sixteen of said chapter four hundred and forty-eight, as amended by section four of said chapter two hundred and fifty-three, is hereby further amended by striking out, in the third line, the word "four" and inserting in place thereof the word:— three,— so as to read as follows:— *Section 16.* The municipal council shall meet not less than once each week. The mayor, president of the council, or any three members thereof, may, at any time, call a special meeting thereof.

SECTION 6. If this act is accepted as provided by section seven, the members of the school committee elected at the regular municipal election of the city of Taunton to be held in the year nineteen hundred and forty-one shall hold office only until the qualification of their successors who shall be elected at the regular municipal election of said city to be held in the year nineteen hundred and forty-three. At the regular municipal election of said city to be held in the year nineteen hundred and forty-two, the members of the municipal council and of the school committee to be elected thereat shall be elected for terms of one year each.

SECTION 7. This act shall be submitted for acceptance to the qualified voters of the city of Taunton at the regular municipal election in the current year in the form of the following question, which shall be placed upon the official ballot to be used at said election:— "Shall an act passed by the general court in the current year, entitled 'An Act providing for Biennial Municipal Elections in the City of Taunton, changing the Number and Manner of Electing the Members of its Municipal Council, and changing the Terms of the Members of its School Committee', be accepted?" If a majority of the votes cast on said question is in the affirmative, section six shall thereupon take full effect, and sections one to five, inclusive, shall take effect on the first Monday of January, nineteen hundred and forty-four, except that so much as relates to the nomination and election of municipal officers shall take effect for the nomination and election of such officers in the year nineteen hundred and forty-three.

Approved June 24, 1941.

AN ACT FURTHER REGULATING THE TAKING AND HOLDING Chap.408
BY THE TOWN OF WEST SPRINGFIELD OF WATER WITHIN
THE TOWN OF SOUTHWICK.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and six of the acts of eighteen hundred and ninety-three, as amended by section one of chapter ten of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding at the end the following new paragraph:—

Nothing in this section shall be construed to authorize said town of West Springfield to take directly any surface water or to install an impounding reservoir within said town of Southwick.

SECTION 2. This act shall take effect upon its passage.

Approved June 25, 1941.

AN ACT FURTHER REGULATING THE RETIREMENT ALLOW- Chap.409
ANCES OF CERTAIN EMPLOYEES OF CERTAIN CITIES, TOWNS
AND DISTRICTS WHO WERE FORMERLY EMPLOYED THEREBY
AS LINEMEN.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-nine of chapter thirty-two of the General Laws, as most recently amended by sections six to eight, inclusive, of chapter three hundred and sixty of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding after paragraph (2) (f), as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, the following new paragraph:—

(g) If a lineman in the employ of a city or town, or of a district which has accepted sections twenty-six to thirty-one H, inclusive, in the manner provided by law, who has been actually employed by such city, town or district in climbing poles, in erecting or repairing wire circuits or in the construction and maintenance of electric power lines, for a period of at least fifteen years, ceases to serve as such lineman and thereupon accepts a position in the service of the same city, town or district at a rate of compensation lower than that received by him as such lineman and subsequently retires or is retired, his life annuity under paragraph (a) of this subdivision, and his pension and total retirement allowance under the other provisions of this subdivision, shall be the same as if he had received, from the time when he ceased to serve as a lineman as aforesaid until the time of his retirement, compensation at his average rate of regular annual compensation for the last five years of his service as such lineman, and, in order to enable such annuity to be paid, the department or district in which he served as such lineman shall pay into the annuity savings fund the differ-

G. L. (Ter. Ed.), 32, § 29, etc., amended.

Conditions for allowance.

ence between the sums which would have been withheld from his compensation during the period aforesaid, if he had received during said period compensation at the average rate of regular compensation aforesaid, and the sums actually so withheld during said period.

G. L. (Ter. Ed.), 32, § 31E, etc., amended.

Accumulated deductions.

SECTION 2. Section thirty-one E of said chapter thirty-two, as so appearing, is hereby amended by adding at the end the following new paragraph:—

(4) When any payment is made under this chapter by a city, town or district subject thereto to a person formerly employed by it as a lineman and subsequently employed by it in another capacity, or, on account of such person, to his beneficiaries or to his estate, under any provision of sections twenty-six to thirty-one H, inclusive, so much of any sum paid into the annuity savings fund by said city, town or district as was paid in compliance with section twenty-nine (2) (g) shall not be paid to or on account of such person but shall become a part of the pension reserve fund of the system.

Approved June 25, 1941.

Chap.410 AN ACT REQUIRING THE POSTING OF NOTICES BY CERTAIN EMPLOYERS NOT COVERING THEIR EMPLOYEES BY WORKMEN'S COMPENSATION INSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, new section 19B, added.

Notices, posting of.

Chapter one hundred and fifty-two of the General Laws is hereby amended by inserting after section nineteen A, inserted by chapter three hundred and fifty-nine of the acts of nineteen hundred and thirty-five, the following new section:— *Section 19B.* Every employer of more than four employees who is subject to this chapter, but is not an insured person as defined by section one, shall post and keep posted a notice in such form and in such manner as shall be determined by the department, stating that the employees of such employer are not covered by workmen's compensation insurance. Any such employer who knowingly and willfully violates this section shall be punished by a fine of not less than fifty or more than one hundred dollars. This section shall not apply in case of failure of an employer to cover domestic servants or farm laborers by such insurance.

Approved June 25, 1941.

Chap.411 AN ACT INCLUDING EMPLOYEES OF CERTAIN FREE PUBLIC LIBRARIES IN THE CONTRIBUTORY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 26, etc., amended.

SECTION 1. Section twenty-six of chapter thirty-two of the General Laws, as most recently amended by section four of chapter four hundred and sixty-four of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the definition of the word "Employee" and

inserting in place thereof the following: — “Employee”, any person who is regularly employed in the service of, and whose salary or compensation is paid by, the city or town, including members of the police and fire departments and other officials or public officers so paid, whether employed or appointed for stated terms or otherwise, except teachers in the public schools, as defined by sections six and seven, whether employed on a full-time or part-time basis or as exchange teachers, but including employees of a free public library maintained in any city or town to the support of which said city or town contributes not less than half the cost.

Term
“Employee”
defined.

SECTION 2. Section thirty-one G of said chapter thirty-two, as most recently amended by sections nine and ten of chapter three hundred and sixty of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out subsection (1) (a) and inserting in place thereof the following subsection: —

G. L. (Ter.
Ed.), 32,
§ 31G, etc.,
amended.

(1) (a) The annuity savings fund shall be the fund to which shall be paid the deductions from the compensation of members. The treasurer of the city or town and the treasurer or person in charge of payrolls of a free public library shall withhold five per cent of the regular compensation not in excess of fifty dollars weekly due on each pay day to all employees who are members of the system, and the treasurer or person in charge of payrolls of a free public library shall forthwith transmit the same to the city or town treasurer. For the purpose of determining hereunder the regular compensation of a member, in cases where a member receives a non-cash allowance to cover compensation in the form of full or partial boarding and housing in accordance with the practice in such city or town, such treasurer shall add to the cash payment for regular services, an amount at a rate not to exceed seven dollars per week, and the sum of said amount and said cash payment, not exceeding a total of fifty dollars weekly, shall be the basis upon which annuity contributions shall be made. The foregoing provision shall also apply in computing pensions based upon prior service. The various amounts so withheld shall be forthwith transferred to the system and credited to the accounts of the respective members so contributing, and shall be paid into and become a part of said annuity savings fund.

Annuity sav-
ings funds.

SECTION 3. On the date when sections twenty-six to thirty-one H, inclusive, of chapter thirty-two of the General Laws, as amended, become effective for employees of any free public library referred to in the definition of “Employee” in section twenty-six of said chapter thirty-two, as amended by section one of this act, such employees may become members of the retirement system of the city or town within which such library is maintained. Said employees shall have all the rights and obligations provided under said sections twenty-six to thirty-one H, inclusive, in the same manner as if the retirement system in said city or town had become operative on said date.

Temporary
provisions.

Approved June 25, 1941.

Chap.412 AN ACT AUTHORIZING REIMBURSEMENT BY THE COMMONWEALTH FOR CARE, IN PRIVATE HOSPITALS, OF CERTAIN SICK POOR PERSONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 122, § 18, etc., amended.

Reimburse-
ments.

Chapter one hundred and twenty-two of the General Laws is hereby amended by striking out section eighteen, as most recently amended by section thirty-seven of chapter three hundred and fifty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following:—
Section 18. Reasonable expenses incurred by a town under section seventeen within five days next before notice has been given as therein required and also after the giving of such notice and until said sick person is able to be removed to said hospital and infirmary shall be reimbursed by the commonwealth. If the department, after investigation, deems it expedient as an economy in expenditure and in the interest of the patient's health, it may authorize reimbursement for aid rendered after the patient has become able to be so removed, and, in its discretion, until the patient is able to be discharged. If the department considers it expedient to order the removal to said institution of a person whose physical condition is such as to require attendance, reasonable expenses incurred for such attendance as directed by the department shall also be reimbursed by the commonwealth. Bills for such support shall not be allowed unless endorsed with the declaration that, after full investigation, no kindred able to pay the amount charged have been found, and that the amount has actually been paid from the town treasury, nor unless they are approved by the department or by a person designated by it; and not more than twenty-one dollars a week shall be allowed for the support of a person in a hospital, and no charges of whatever nature in excess of the said twenty-one dollars a week shall be allowed; provided, that expenses incurred by a town for tonsil and adenoid operations shall be reimbursed by the commonwealth to an amount not exceeding fifteen dollars in the case of any one such operation. Reimbursement by the commonwealth under the provisions hereof shall be subject to the provisions of section forty-two of chapter one hundred and twenty-one.

Approved June 25, 1941.

Chap.413 AN ACT PERTAINING TO THE INVESTMENTS OF DEPOSITS AND THE INCOME DERIVED THEREFROM OF SAVINGS BANKS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 168, § 54, etc., amended.

SECTION 1. Section fifty-four of chapter one hundred and sixty-eight of the General Laws is hereby amended by striking out clause Second, as most recently amended by sections twenty-three and twenty-four of chapter three hundred and thirty-four of the acts of nineteen hundred and

thirty-three, and inserting in place thereof the following clause:—

Second. (a) In the direct obligations of the United States, or in such obligations as are unconditionally guaranteed as to the payment of principal and interest by the United States. Investments
authorized.

(b) In the legally issued or assumed bonds, notes or other interest bearing obligations of this commonwealth.

(c) In the legally issued or assumed bonds, notes or other interest bearing obligations of any state of the United States other than this commonwealth, which has not within the twenty years prior to the making of such investment defaulted for a period of more than one hundred and twenty days in the payment of any part of either principal or interest of any legally issued or assumed obligation; provided, that such obligations were issued subsequent to January first, eighteen hundred and ninety; and provided, further, that the full faith and credit of such state is pledged for the payment of the principal and interest of such obligations.

(d) In the legally issued or assumed bonds, notes or other interest bearing obligations of a county, city, town or legally established district of this commonwealth.

(e) In the legally issued or assumed bonds, notes or other interest bearing obligations of any county or town of Maine, New Hampshire, Vermont, Rhode Island, Connecticut or New York, whose net indebtedness does not exceed four per cent of the last preceding assessed valuation of the taxable real property therein; or of any legally established water district of any of said states, of more than five thousand inhabitants and whose legally issued or assumed obligations are a direct obligation on all the taxable property of said district, and whose net indebtedness does not exceed three per cent of the last preceding assessed valuation of the real property therein; provided, that there is not included within the limits of such district, in whole or in part, any city or town the obligations of which are not a legal investment.

(f) In the legally issued or assumed bonds, notes or other interest bearing obligations of any city of Maine, New Hampshire, Vermont, Rhode Island, Connecticut or New York, whose net indebtedness does not exceed six per cent of the last preceding assessed valuation of the taxable real property therein and whose population at the date of such investment is not more than one hundred thousand inhabitants, as established by the last national or state census, or city census, taken in the same manner as a national or state census and certified by the clerk or treasurer of said city.

(g) In the legally issued or assumed bonds, notes or other interest bearing obligations of any city of Maine, New Hampshire, Vermont, Rhode Island, Connecticut or New York, whose net indebtedness does not exceed eight per cent of the last preceding assessed valuation of the taxable real property therein and whose population at the date of such investment is more than one hundred thousand, as established in the manner provided in subdivision (f).

(h) In the legally issued or assumed bonds, notes, or other interest bearing obligations of any city of any state of the United States, other than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut or New York, which was incorporated as such at least ten years prior to the date of such investment and which has not less than thirty thousand nor more than one hundred thousand inhabitants, as established in the manner provided in subdivision (f), and whose net indebtedness does not exceed six per cent of the last preceding assessed valuation of the taxable real property therein; provided, that such obligations are in serial form.

(i) In the legally issued or assumed bonds, notes or other interest bearing obligations of any city of any state of the United States, other than Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut or New York, which was incorporated as such at least ten years prior to the date of such investment and which has more than one hundred thousand inhabitants, as established in the manner set forth in subdivision (f), and whose net indebtedness does not exceed eight per cent of the last preceding assessed valuation of the taxable real property therein; provided, that such obligations are in serial form.

(j) Obligations referred to in subdivisions (h) and (i) shall be deemed to be in serial form when such obligations are a part of a debt issue, the payment of which is provided for by annual payments in sufficient amounts to extinguish the debt at maturity, and as to which it is also provided that the first of such annual payments shall be made not later than two years after the date of the obligations issued therefor, that the last of such annual payments shall be made not later than forty years after the date of such obligations, and that the amount of such payments in any one year on account of such debt so far as issued shall not be less than the amount of principal payable in any subsequent year.

(k) The full faith and credit of the county, city, town or district shall be pledged for the full payment of principal and interest of all bonds, notes or other interest bearing obligations legal for investment under any provision or subdivision of this clause.

(l) As used in subdivisions (e), (f), (g), (h) and (i) of this clause, the words "net indebtedness" shall mean the indebtedness of a county, city, town or district, omitting debts created for supplying the inhabitants with water or electricity, or both, and debts created in anticipation of taxes to be paid within one year from date of issue, and deducting the amount of sinking funds available for the payment of the indebtedness included.

(m) The provisions of subdivisions (e), (f), (g), (h) and (i) of this clause shall not authorize the investment of funds in the legally issued or assumed obligations of any county, city, town or district which has been in default for more than one

hundred and twenty days in the payment of any part of principal or interest of such obligations within ten years immediately preceding the making of such investment.

SECTION 2. Said section fifty-four is hereby further amended by striking out clause Third, as amended by chapter seventy-nine of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following clause: —

G. L. (Ter. Ed.), 168, § 54, etc., further amended.

Third. In obligations of any railroad corporation incorporated under the laws of the United States or of any state thereof, which is doing business principally within the United States, provided: —

Investments in railroad bonds.

(1) That the railroad corporation which operates the railroad or railroad equipment upon which such obligations are secured shall own or operate under lease not less than five hundred miles of standard gauge road, exclusive of sidings;

(2) That the railroad corporation which operates the railroad or railroad equipment upon which such obligations are secured shall not be in default in the payment of principal or interest of any of its obligations, or in the payment of rental for leased lines or terminal facilities;

(3) That in five of the six years immediately preceding the date of such investment, and in the year immediately preceding the date of such investment, the railroad corporation which operates the railroad or railroad equipment upon which such obligations are secured shall have earned its fixed charges in full;

(4) That such obligations contain an unconditional promise to pay the interest thereon regularly, and to pay the principal at a specified date;

(5) That such obligations are secured: —

(a) By a direct or a collateral mortgage lien on a railroad owned, directly or beneficially, by a railroad corporation which meets the requirements of subdivisions (1), (2) and (3); or —

(b) By a direct or a collateral mortgage lien on a railroad owned, directly or beneficially, by a corporation which leases the mileage to a railroad corporation which meets the requirements of subdivisions (1), (2) and (3) under a lease which extends at least three years beyond the maturity of such obligations and which provides for unconditional payment of interest on all funded indebtedness and for the payment or refunding of such obligations at maturity; except that the lease need not contain such provisions if such bonds are guaranteed by endorsement unconditionally as to principal and interest by said lessee railroad corporation; or —

(c) By the irrevocable pledge of bonds, notes or other evidences of indebtedness which would be legal investments for savings banks if held directly, and the principal amount of bonds, notes or other evidences of indebtedness so pledged is equal at least to the principal amount of such obligations outstanding; or —

(d) By a first lien on, or by a lease of, or conditional sale of, new railroad equipment of standard gauge, free from

any other encumbrance, for the purchase of which obligations were issued at not exceeding ninety per cent of the purchase price of such equipment, except that, pending the completion and delivery of the equipment, such obligations may be secured by cash, deposited with or to the credit of the trustee under the instrument under which such securities were issued, in an amount not less than the principal amount of all such obligations outstanding; provided, that equipment obligations shall not be legal for such investment unless the instrument under which they are issued, or the lease or conditional sale of such equipment, provides for the proper maintenance and replacement of such equipment, and for the payment of the entire issue of such obligations in not exceeding fifteen approximately equal annual, or in thirty approximately equal semi-annual, installments from the date of issue, without the release of any part of the lien or interest in any part of the equipment securing such obligations until the entire issue of the series so secured shall have been paid or redeemed, except however, that such instrument may permit the release therefrom of any equipment covered thereby upon the condition that, as security in lieu thereof, there shall be deposited with or to the credit of the trustee under the instrument, cash or bonds, notes or certificates of indebtedness of the United States, or of any state thereof, equivalent to the fair value of the equipment released, and that such deposit may be subsequently in whole or in part withdrawn and used for the purchase of additional railroad equipment of standard gauge, to be substituted in lieu thereof free from any other encumbrance, of material and construction substantially as good as, and of a value equal to the value of, the equipment previously released. Such obligations shall be guaranteed by endorsement as to principal and interest or dividends by such railroad corporation;

(6) That unless the railroad corporation which operates the railroad or railroad equipment upon which such obligations are secured shall have earned its fixed charges at least one and one half times in five of the six years immediately preceding the date of such investment, and in the year immediately preceding the date of such investment, such obligations shall be (a) equipment obligations as described in subdivision (5) (d), or (b) shall be secured by a first mortgage which is prior in lien to a junior mortgage or mortgages which secure at least one and one half times as much funded debt as is secured by all the first mortgages which are prior in lien to such junior mortgages, or (c) shall be secured by a first mortgage on a railroad which is operated under lease by a railroad corporation which meets the requirements of subdivisions (1), (2) and (3), which lease extends at least three years beyond the maturity of any such obligation, and provides for the payment or refunding thereof and for the unconditional payment of a rental equal to at least two and one half times the annual interest charge on all the first

mortgage bonds of such lessor corporation; and no bonds shall be made eligible by provision (b) or (c) of this subdivision unless they are secured by a direct or collateral first lien on at least one third of the mileage owned, including all mileage owned beneficially, by the obligor and on at least five hundred miles of railroad, except that if the railroad corporation which operates the railroad upon which such bonds are secured shall have earned its fixed charges at least one and one quarter times in five of the six years immediately preceding the date of such investment, and in the year immediately preceding the date of such investment, then such first mortgage need not be a lien on one third of the mileage owned directly and beneficially by the obligor but shall be a first lien on not less than one hundred miles of railroad, and the amount of debt secured by junior mortgages need not exceed, but shall be at least equal to, the amount of debt secured by first mortgages prior thereto.

Not more than twenty per cent of the deposits of any such bank shall be invested in railroad obligations. Not more than one and one half per cent of the deposits of any such bank shall be invested in the obligations of any one operating railroad corporation, including its direct and assumed obligations and including also the obligations of lessor railroad corporations which derive seventy-five per cent or more of their income from leases of their railroads to said operating railroad corporation.

The following terms as used in this clause, unless the context otherwise clearly requires, shall have the following meanings:—

(a) A railroad shall be deemed to be owned beneficially by a railroad corporation when the latter operates such railroad and owns at least ninety per cent of each class of outstanding capital stock, and ninety per cent of each class of outstanding bonds, notes and other evidences of indebtedness, of the corporation which is the legal owner of the physical property.

(b) Obligations shall be deemed to be secured by a collateral mortgage lien if they are secured by an irrevocable pledge of at least ninety per cent of each class of outstanding capital stock, and ninety per cent of each class of outstanding bonds, notes and other evidences of indebtedness, of the railroad corporation which is the legal owner of the physical property.

(c) "Fixed charges" shall mean the sum of fixed interest on all indebtedness, whether funded or unfunded, rentals for leased lines and amortization of debt discount. For the purpose of determining whether a railroad has earned its fixed charges, or by what margin it has earned them, the income available for fixed charges as shown in the reports prescribed by the Interstate Commerce Commission shall be applied against the fixed charges as defined herein.

(d) Obligations shall be deemed to be secured by first mortgage or first mortgage lien if they are secured by such a

lien on seventy-five per cent of all the railroad on which they are a lien.

(e) Obligations shall be deemed to include only bonds and notes issued or assumed by a railroad corporation and equipment securities unconditionally guaranteed as to the payment of principal and interest by such a corporation. If such a corporation has acquired a line of railroad subject to the lien of previously existing bonds and shall have subsequently issued bonds of its own, which bonds are secured, in whole or in part, by a junior lien on such line of railroad, then the corporation shall be deemed, for the purposes of this clause, to have assumed the previously existing bonds.

G. L. (Ter.
Ed.), 168,
§ 54, etc.,
further
amended.

SECTION 3. Said section fifty-four is hereby further amended by striking out clause Fourth, as amended by chapter one hundred and twelve of the acts of nineteen hundred and thirty-two.

G. L. (Ter.
Ed.), 168,
§ 54, further
amended.

SECTION 4. Said section fifty-four is hereby further amended by striking out clause Fifth, as appearing in the Tercentenary Edition, and inserting in place thereof the following clause:—

Fifth. In the mortgage bonds, as hereinafter described, maturing not later than forty years subsequent to the date of such investment, of any telephone company incorporated under the laws of the United States or of any state thereof, and doing business in any state of the United States, including in such term the District of Columbia, on the continent of North America and which is operating under the supervision of a public service or similar commission of the United States or of any state thereof exercising regulatory jurisdiction therein;

(1) provided, that during each of the five fiscal years of such telephone company immediately preceding the date of such investment

(a) the gross income of such telephone company shall have been not less than five million dollars, and

(b) such telephone company shall not have been in default in the payment of the principal or interest on any of its indebtedness; and

(2) provided, further, that in any five of the six fiscal years immediately preceding the date of such investment the net income of such telephone company, as shown by its annual reports or other sworn returns to the federal, state or municipal authorities, shall have been at least twice the amount necessary to pay the interest for the same period on the company's total outstanding indebtedness; and

(3) provided, further, that at the end of the fiscal year immediately preceding the date of such investment the outstanding fully paid capital stock of any such telephone company, together with the total of all surplus accounts as shown by the books of such company in the case of any such company having any shares without par value, shall be equal to at least two thirds of its total funded debt.

(4) Such bonds shall be issued under an indenture which cannot be changed so as to alter the obligations of the company to pay the principal thereof at maturity, or to pay the interest at the rates and on the dates specified in such bonds, except with the consent of the holder or holders of the bond or bonds affected, and such bonds shall be secured by a first or junior mortgage lien upon all or part of the fixed property of such company, but the aggregate principal amount of all its mortgage bonds shall not exceed sixty-five per cent of the depreciated value of the fixed property of the company as shown by its books. No junior mortgage bond shall qualify under this paragraph unless under the terms of the indenture under which it was issued all underlying mortgages must be paid at maturity, or refunded by such junior mortgage. Such underlying mortgages shall be closed except for the purpose of issuing additional bonds to be pledged under such junior mortgage.

SECTION 5. Said section fifty-four is hereby further amended by inserting after clause Fifth, as so appearing, the following four new clauses:—

Fifth A. In bonds, other than mortgage bonds, maturing not later than forty years subsequent to such investment, of any telephone company incorporated under the laws of, and doing business in, any state of the United States, including in such term the District of Columbia, on the continent of North America which is operating under the supervision of a public service or other similar regulatory commission of the United States or of any state thereof;

(1) provided, that during each of the five fiscal years of such telephone company immediately preceding the date of such investment

(a) the gross income of such telephone company shall have been not less than twenty million dollars, and

(b) such telephone company shall not have been in default in the payment of the principal or interest on any of its indebtedness; and

(2) provided, further, that in any five of the six fiscal years immediately preceding the date of such investment the net income of such company, as shown by its annual reports or other sworn statements to the federal, state or municipal authorities, shall have been not less than three times the amount necessary to pay the interest for the same period on the company's total outstanding indebtedness; and

(3) provided, further, that at the end of the fiscal year immediately preceding the date of such investment, such bonds, together with all other indebtedness of such company, shall total not more than fifty-five per cent of the depreciated value of the fixed property of such telephone company as shown by its books, and shall be issued under an indenture by the terms of which no mortgage can be issued without securing such bonds equally and ratably therewith.

G. L. (Ter. Ed.), 168, § 54, new clauses Fifth A-Fifth D, added.

Other bonds of telephone companies.

Fifth B. In other bonds or notes, maturing not later than forty years subsequent to the date of such investment, of any telephone company incorporated under the laws of, and doing business in, any state of the United States, including in such term the District of Columbia, on the continent of North America which is operating under the supervision of a public service or other similar regulatory commission of the United States or of any state thereof;

(1) provided, that during each of the five fiscal years of such telephone company immediately preceding the date of such investment such telephone company shall not have been in default in the payment of principal or interest on any of its indebtedness; and

(2) provided, further, that in any five of the six fiscal years immediately preceding the date of such investment the net income of such company, as shown by its annual reports or other sworn returns to the federal, state or municipal authorities, shall have been not less than four times the amount necessary to pay the interest for the same period on the company's total outstanding indebtedness; and

(3) provided, further, that at the end of the fiscal year immediately preceding the date of such investment the bonds or notes of such company are outstanding in an amount not in excess of thirty-five per cent of its total assets; and

(4) provided, further, that for the fiscal year immediately preceding the date of such investment the amount of income available for dividends of such company shall have been not less than one hundred million dollars.

Fifth C. In clauses Fifth, Fifth A and Fifth B, unless the context otherwise requires,

(a) "Gross income" shall mean the total operating revenues received from the operation of all properties owned or leased and operated by such telephone company, and "income available for dividends" shall mean the amount determined as such by the system of accounts prescribed by the Federal Communications Commission.

(b) "Net income" shall mean the amount available for interest charges after deduction has been made for all operating expenses, including current maintenance, provision for depreciation, all taxes except income taxes, and all rentals and guaranteed interest or dividends.

Fifth D. Not more than fifteen per cent of the deposits of any such bank shall be invested in the bonds of telephone companies, nor shall more than two per cent of such deposits be invested in the bonds of any one telephone company.

SECTION 6. Said section fifty-four is hereby further amended by striking out clause Sixth A, as amended by chapter ninety-six of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following clause:—

Sixth A. In the bonds, maturing not later than forty years subsequent to the date of such investment, issued or assumed by any corporation incorporated under the laws of

G. L. (Ter. Ed.), 168, § 54, etc., further amended.

Public service company securities.

the United States or of any state thereof which is operating under the supervision of a public service or other similar regulatory commission of the United States or of any state thereof, and has franchises to operate in territory in which at least seventy-five per cent of its gross operating revenue was earned thereunder in its fiscal year immediately preceding the date of such investment, which franchises shall be either indeterminate franchises or permits or agreements, which are subject to the jurisdiction of or issued by or entered into with a public service or similar commission or other competent public authority, or determinate franchises extending at least three years beyond the maturity of any such bond,

(1) provided, that such corporation is engaged in any or all of the following functions: —

(a) In the sale and distribution of electricity, or in such sale and distribution and also in some other form of public service enterprise;

(b) In the manufacture and distribution of artificial gas; and

(c) In the sale and distribution of natural gas supplied in substitution for and in mixture with artificial gas; but in no case shall the bonds of any corporation engaged in the sale and distribution of natural gas become a legal investment unless said corporation maintains at all times full facilities for the manufacture of artificial gas in quantities sufficient to supply the normal demand; and

(2) provided, further, that: —

(a) During each of the five fiscal years immediately preceding the date of such investment, such corporation has paid the matured principal and interest of all its indebtedness, and

(b) The net income of such corporation for the fiscal year immediately preceding the date of such investment, and the average of net income of such corporation for the five fiscal years immediately preceding the date of such investment, as shown by its annual reports or other sworn returns to the federal, state or municipal authorities, shall have been not less than one and three quarters times the amount necessary to pay the interest for the same periods on its total outstanding indebtedness, except that if less than sixty per cent of the gross operating revenue of the corporation has been derived from the sale and distribution of electricity, such net income shall have been not less than twice the amount necessary to pay such interest.

(c) As used in subdivision (2) (b) of this clause, "net income" shall mean the amount available for interest charges after deduction has been made for all operating expenses, including current maintenance, provision for depreciation or retirement, all taxes except income taxes, and all rentals and guaranteed interest or dividends, and after deducting the net income as determined by the foregoing method, derived

from the sale of natural gas where stand-by facilities are not maintained for the manufacture of artificial gas in quantities sufficient to supply the normal demand for gas; and

(3) provided, further, that for its fiscal year immediately preceding the date of such investment

(a) such corporation shall have done at least eighty per cent of its business in the United States or any state thereof, including in such term the District of Columbia, on the continent of North America;

(b) The gross operating revenue of the corporation issuing or assuming such bonds shall have been not less than one million dollars, and of such revenue at least seventy-five per cent shall have been derived from the sale and distribution of electricity, artificial gas and natural gas, or any one or more of them, and not exceeding twenty per cent from the operation of a transportation system; and

(c) The outstanding fully paid capital stock and surplus of such corporation shall be equal to at least two thirds of its total funded debt. "Funded debt", as used herein, shall mean all interest bearing debt, whether secured or unsecured, maturing more than one year from its date of issue, but excluding bonds of the corporation held as collateral to secure other of its outstanding obligations.

(4) Such bonds shall be issued under an indenture which cannot be changed so as to alter the obligations of the company to pay the principal at maturity, or to pay the interest at the rates and on the dates specified in such bonds, except with the consent of the holder or holders of the bond or bonds affected, and such bonds shall be secured by either a first or junior mortgage upon all or part of the fixed property of such corporation, but the aggregate principal amount of all its mortgage bonds shall not exceed seventy-five per cent of the depreciated value of the fixed property of the corporation as shown by its books. No junior mortgage bond shall qualify under this paragraph unless under the terms of the indenture under which it was issued all underlying mortgages must be paid at maturity, or refunded by such junior mortgage. Such underlying mortgages shall be closed except for the purpose of issuing additional bonds to be pledged under such junior mortgage. If such junior mortgage, or, in the absence of a junior mortgage, the first mortgage, is not closed, it shall provide for the issuance of additional bonds for extensions, improvements and property acquisitions only as follows:—

(a) For an amount not exceeding seventy-five per cent of the actual cost of such extensions, improvements and property acquisitions, when the net income for twelve of the fifteen months immediately preceding the application to the trustee under such mortgage for authentication of such additional bonds has been equal to at least one and three quarters times the interest charges for one year on the total amount of bonds outstanding under such mortgage and the proposed additional bonds, or

(b) For an amount not exceeding eighty per cent of the actual cost of such extensions, improvements and property acquisitions, when the net income for twelve of the fifteen months immediately preceding the application to the trustee under such mortgage for authentication of such additional bonds has been equal to at least twice the interest charges for one year on the total amount of bonds outstanding under such mortgage and the proposed additional bonds.

(5) If, during any of the periods mentioned in this clause, such corporation has been consolidated by purchase or otherwise, the aggregate operating figures of the corporations so consolidated, exclusive of intercompany charges, shall be sufficient for the purpose of this clause.

(6) Not more than twenty per cent of the deposits of any such bank shall be invested in bonds under this clause, nor shall more than two per cent of such deposits be invested in the bonds of any one such corporation.

SECTION 7. Said section fifty-four is hereby further amended by striking out clause Seventh, as most recently amended by chapter eighty-seven of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following clause: —

G. L. (Ter. Ed.), 168, § 54, etc., further amended.

Seventh. In the common stock, provided there is no preferred stock outstanding, of a trust company incorporated under the laws of and doing business within this commonwealth, or in the common stock, provided there is no preferred stock outstanding, of a national banking association doing business within this commonwealth, which has paid dividends of not less than four per cent on its capital stock in cash in each of the five years immediately preceding the date of such investment and the amount of whose surplus is at least equal to fifty per cent of its capital; but such a bank shall not hold by way of investment and as security for loans, more than fifteen per cent of the stock of any one such company or association, nor shall it hold by way of investment stock of such companies and associations having an aggregate initial cost in excess of ten per cent of the deposits of such bank, or stock of any one such company or association having an initial cost in excess of one per cent of the deposits aforesaid, except that if any such company or association consolidates or merges with any other such company or association the amount of stock of the consolidated or absorbing company or association which may be held under authority hereof may be in excess of one per cent, but not in excess of two per cent, of the deposits aforesaid; and provided, further, that the stock so held is acquired in exchange for stock of the consolidating or merging companies or associations which is owned by such bank at the time of consolidation or merger. Such bank may deposit not more than two and one half per cent of its deposits in any national banking association located in this commonwealth, or in any trust company incorporated in this commonwealth; but such deposit shall not exceed twenty-five per cent of the

Bank stocks, etc.

capital stock and surplus fund of such association or trust company; provided that nothing in this section shall invalidate any holding of such stock by way of investment or security legally made before December first, nineteen hundred and forty-one.

G. L. (Ter. Ed.), 168, § 54, further amended.

SECTION 8. Said section fifty-four is hereby further amended by striking out subdivision (d) of clause Ninth, as appearing in the Tercentenary Edition.

G. L. (Ter. Ed.), 168, § 54, further amended.

SECTION 9. Said section fifty-four is hereby further amended by striking out clause Fifteenth, as so appearing, and inserting in place thereof the following clause:—

List of bonds and notes to be prepared.

Fifteenth. (a) Annually, not later than July first, the commissioner shall prepare a list of all the bonds, notes and interest bearing obligations which are then legal investments under any provision of clauses Second, Third, Fifth, Fifth A, Fifth B, Sixth, Sixth A, paragraph (1) of subdivision (c) of clause Ninth, and clause Seventeenth. Said list shall at all times be open to public inspection and a copy thereof shall be sent to every savings bank and to every trust company having a savings department. In the preparation of any list hereunder which the commissioner is required to prepare or furnish, he may employ such expert assistance as he deems proper or may rely upon information contained in publications which he deems authoritative in reference to such matters; and he shall be in no way held responsible or liable for the omission from such list of the name of any state or political subdivision thereof, or corporation, the bonds, notes or other interest bearing obligations of which conform to this section, or of any bonds, notes or other interest bearing obligations which so conform, nor shall he be held responsible or liable for the inclusion in such list of any such names or bonds, notes or other interest bearing obligations which do not so conform.

(b) Officers and members of a board of investment of such a bank may rely upon the list referred to in subdivision (a) of this clause as representing an accurate listing of bonds, notes and other interest bearing obligations eligible for investment by it.

(c) Upon application by twenty-five savings banks to the Mutual Savings Central Fund, Inc., submitted in such form and under such regulations as its directors may require, requesting authority for savings banks to invest their deposits and the income derived therefrom in state, municipal or corporate interest bearing obligations not otherwise eligible for investment under this section, said directors may request the commissioner, in such form and under such regulations as he may require, in his discretion, to authorize savings banks, notwithstanding any other provisions of this section, to invest their deposits and the income derived therefrom in any such state, municipal or corporate interest bearing obligation. Any expense incurred by the Mutual Savings Central Fund, Inc. in connection with the consideration of such application shall be a proper expense to be incurred and

paid by it. If the commissioner grants such request he shall forthwith send written notice of such decision to said directors and to each savings bank and shall add the name of such investment to the list of bonds and notes eligible for investment provided for in subdivision (a) of this clause. At any time thereafter the commissioner may, on his own initiative or at the written request of said directors, revoke such authority, in which event he shall forthwith send written notice of such revocation to said directors and to each savings bank. In determining that such investments should be included in the list of investments legal for savings banks or deleted from said list the commissioner may employ such expert assistance as he deems proper or may rely upon information contained in publications which he deems authoritative in reference to such matters. Said Mutual Savings Central Fund, Inc., its officers, directors and agents, shall be in no way held responsible or liable for failure to take action upon any such application or to make any such request of the commissioner.

(d) Not more than five per cent of the deposits of any such bank shall be invested in the obligations made legal under subdivision (c) of this clause, nor shall more than one half of one per cent of such deposits be invested in any one such obligation.

SECTION 10. Said section fifty-four is hereby further amended by striking out clause Sixteenth, as so appearing.

SECTION 11. Chapter one hundred and fifteen of the acts of the current year is hereby repealed.

SECTION 12. This act shall take effect on December first of the current year.

Approved June 26, 1941.

G. L. (Ter. Ed.), 168, § 54, further amended.
Repeal.
Effective date.

AN ACT RELATIVE TO PLACING CERTAIN CITY AND TOWN OFFICES WITHIN THE CLASSIFIED CIVIL SERVICE BY POPULAR VOTE.

Chap. 414

Be it enacted, etc., as follows:

Chapter thirty-one of the General Laws is hereby amended by striking out section forty-nine A, inserted by chapter one hundred and eighty-three of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 49A.* Upon the filing with the clerk of a city or town of a petition conforming to this section, requesting that an office or offices in such city or town subject to this section and specified in the petition be placed within the classified civil service, the question or questions whether such office or offices shall be placed within said service shall be submitted to the registered voters of such city or town, in a city or town using official ballots at the next regular municipal election after the expiration of sixty days following the filing of such petition or at the next biennial state election following the expiration of ninety days after the filing thereof, whichever first occurs, and in a town not using

G. L. (Ter. Ed.), 31, § 49A, etc., amended.

Civil service for certain municipal employees.

official ballots at the next biennial state election after the expiration of said ninety days.

No petition under this section shall be received for filing unless it is signed by registered voters of the city or town at least equal in number to thirty per cent of the number thereof but not in excess of twenty-five hundred, plus six per cent of the number thereof, if any, in excess of twenty-five hundred but not in excess of twenty-seven thousand five hundred, plus one per cent of the number thereof, if any, in excess of twenty-seven thousand five hundred, nor unless it bears the approval in writing of the incumbent or incumbents, at the time of the filing of the petition, of the office or offices specified therein.

The provisions of section thirty-eight of chapter forty-three, relative to initiative petitions in cities subject to said chapter, shall, so far as apt, apply to petitions under this section; provided, that any such petition shall be submitted to the registrars of voters at least seven days prior to the last day for filing the same with the city or town clerk and that, in a town, the petition shall be transmitted to the selectmen instead of to the city council.

Written objections to the validity or sufficiency of any such petition or the signatures thereon may be filed with the city or town clerk not later than forty-eight hours after the expiration of the time for filing petitions with said clerk under this section, and such objections shall be considered by the appropriate board referred to in section twelve of chapter fifty-three. In the consideration of objections made under this section such board shall have and may exercise all the powers given to it by any provision of law relative to objections to nominations. The notice provided by said section shall be sent to the persons filing the petition and to each officer affected thereby. The board shall make its decision within four days after the expiration of the time for filing such objections, and shall forthwith give notice thereof to the city or town clerk. Such decision shall be final, except when the attorney general, in the case of a state election, determines otherwise.

The city or town clerk shall, within ten days after the expiration of the time for filing a petition under this section prior to a state election, transmit a certified copy of every such petition filed with him for the submission of a question or questions at such election, together with the certificate of the registrars of voters relative to the number of signatures thereon, and any objections filed hereunder, with the decision of the board upon such objections, to the attorney general, who shall certify thereon whether or not the petition conforms to this section and return the same to the city or town clerk, who, if such certificate states that the petition so conforms, shall file such copy and certificate with the state secretary at least thirty days prior to the date of such election.

Such question or questions, if submitted at a city or state election, shall be printed upon the official ballot to be used in the city or town at said election, and if submitted at a town meeting shall be printed upon the official ballot to be used for the election of town officers, in substantially the following form:

Question 1. (Part 1) Shall the city (or town) vote that the office of (title of office) be placed within the classified civil service? Yes No

(Part 2) If it is voted to place the office of (title of office) within the classified civil service, shall the city (or town) vote to provide for the continuance in said office of (name of incumbent), the present incumbent thereof, after passing a qualifying examination? Yes No

There shall be a separate numbered question for each office sought to be placed within the classified civil service under this section.

The office specified in Part 1 of each question submitted under this section, in answer to which a majority of the voters voting thereon vote in the affirmative, shall be placed within the classified civil service, and the tenure of office of any incumbent thereof shall be unlimited subject, however, to the provisions of this chapter; provided, that if Part 2 of the question in which said office is specified is so answered in the affirmative the incumbent thereof at the time of the filing of such petition shall, if still the incumbent thereof, be subjected by the division to a non-competitive qualifying examination for such office, and if he passes said examination, he shall be certified for said office and shall be deemed to be permanently appointed thereto without being required to serve any probationary period. If such incumbent does not pass such non-competitive qualifying examination, or if a majority of the voters voting on said Part 2 of the question does not vote thereon in the affirmative, such incumbent may continue to serve in said office, but shall not be subject to this chapter.

This section shall apply to any municipal office the incumbent of which shall have served therein continuously for not less than five years immediately prior to the filing of the petition relative thereto, notwithstanding any provision of law exempting such office or the incumbent thereof from any provision of this chapter; but this section shall not apply to any office filled by popular vote or to the offices of city solicitor, assistant city solicitor, secretary to the mayor, clerk of the board of selectmen, town counsel, assistant town counsel, legislative counsel, registrars of voters or public school teachers.

The words "registrars of voters", as used in this section, shall include election commissioners or other officers performing similar duties.

Nothing in this section shall prevent a town from acting under sections forty-seven, forty-eight and forty-nine, or any of them.

Approved June 26, 1941.

Chap.415 AN ACT RELATIVE TO THE RATES OF LEGACY AND SUCCESSION TAXES.

Emergency preamble.

Whereas, The deferred operation of this act would deprive the commonwealth for a considerable part of the current year of certain of the revenues to be collected thereunder and delay the collection of other such revenues; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 65, § 1, etc., amended.

SECTION 1. Section one of chapter sixty-five of the General Laws, as most recently amended by chapter two hundred and ninety-three of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the table therein contained and inserting in place thereof the following table: —

Rates of tax exemptions on legacies and successions.

RELATIONSHIP OF BENEFICIARY TO DECEASED.	RATE PER CENTUM OF TAX ON VALUE OF PROPERTY OR INTEREST.									
	On Value not over \$10,000.	On Excess above \$10,000, not over \$25,000.	On Excess above \$25,000, not over \$50,000.	On Excess above \$50,000, not over \$100,000.	On Excess above \$100,000, not over \$250,000.	On Excess above \$250,000, not over \$500,000.	On Excess above \$500,000, not over \$750,000.	On Excess above \$750,000, not over \$1,000,000.	On Excess above \$1,000,000.	
CLASS A. Husband, wife, father, mother; child, adopted child, adoptive parent, grand-child	1%	2%	3%	4%	5%	6%	7%	8%	9%	
CLASS B. Lineal ancestor, except father or mother; lineal descendant, except child or grandchild; lineal descendant of adopted child; lineal ancestor of adoptive parent; wife or widow of a son; husband of a daughter	2%	3%	5%	6%	7%	8%	9%	10%	11%	
CLASS C. Brother, sister, half brother, half sister, nephew, niece, step-child or step-parent	4%	6%	8%	10%	11%	12%	13%	14%	15%	
CLASS D. All others	6%	8%	9%	10%	11%	12%	13%	14%	15%	

Operation of act.

SECTION 2. Section one of this act shall apply with respect to all property or interests therein passing or accruing upon the death of persons who die on or after July first, nineteen hundred and forty-one. Rates in effect immediately prior to the passage of this act shall continue in effect

with respect to all property or interests therein passing or accruing upon the death of persons who die after its passage and prior to July first, nineteen hundred and forty-one.

Approved June 26, 1941.

AN ACT EXTENDING TEMPORARY SURTAXES ON CERTAIN
SUBJECTS OF EXISTING TAXATION. Chap.416

Whereas, The deferred operation of this act would deprive the commonwealth for a considerable part of the current year of certain of the revenues to be collected thereunder and delay the collection of other such revenues; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. There is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, taxes levied under the provisions of section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three, as amended, and taxes levied under the provisions of sections thirty to sixty, inclusive, of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, an additional tax equal to ten per cent of the taxes assessed under the provisions of said sections, acts and chapters in or on account of each of the calendar years nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three, and all provisions of law relative to the assessment, payment, collection and abatement of the said taxes shall apply to the taxes imposed by this section; provided, that no tax assessed under this section in or on account of the year nineteen hundred and forty-one shall bear interest prior to October first of such year.

A fiduciary shall be liable to pay a tax under this section upon income received and distributed by him prior to the effective date thereof only to the extent that such fiduciary shall, after said effective date, hold as such fiduciary funds of an estate or trust due to the beneficiary to whom said income was distributed.

SECTION 2. All property subject to a legacy and succession tax under the provisions of chapter sixty-five of the General Laws, as appearing in the Tercentenary Edition, and of any further amendments thereof or additions thereto, shall be subject to an additional tax of ten per cent of all taxes imposed by said provisions with respect to property or interests therein passing or accruing upon the death of persons who die during the period beginning January first, nineteen hundred and forty-one, and ending June thirtieth, nineteen hundred and forty-three. All provisions of law

relative to the determination, certification, payment, collection and abatement of such legacy and succession taxes shall apply to the additional tax imposed by this section.

SECTION 3. All the taxes provided by sections one and two of this act shall be retained by the commonwealth.

Approved June 26, 1941.

Chap.417 AN ACT PROVIDING FOR THE EXTENSION OF THE TEMPORARY CIGARETTE TAX.

Emergency
preamble.

Whereas, The deferred operation of this act would defeat so much of its purpose as is to authorize the continued collection of an excise on the sale of cigarettes, without interruption; and

Whereas, This act provides for an appropriation and, under authority of section one of chapter four of the General Laws, an act making an appropriation may be made effective upon its passage by the adoption of an emergency preamble, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Whenever used in this act, unless the context shall otherwise require, the following words or terms shall have the following meanings: — “commissioner” shall mean the commissioner of corporations and taxation; “person”, any individual, firm, fiduciary, partnership, corporation, trust or association, however formed, trustee, agency or receiver; “manufacturer”, any person who manufactures or produces cigarettes, whether within or without the commonwealth; “wholesaler”, any person who purchases directly from the manufacturer at least seventy-five per cent of all cigarettes purchased by him and who sells at least seventy-five per cent of all cigarettes purchased by him to others for resale; the term “wholesaler” shall also apply to any chain of stores retailing cigarettes to the consumer, providing seventy-five per cent of its purchases are made direct from the manufacturer; “sub-jobber”, any person other than a wholesaler or vending machine operator who purchases his cigarettes from manufacturers, licensed wholesalers or licensed sub-jobbers and seventy-five per cent of whose business consists in the sale at wholesale of cigarettes to persons licensed under this act; “vending machine operator”, any person other than a manufacturer, a wholesaler or a sub-jobber who operates one or more vending machines and who purchases his cigarettes from a manufacturer or from a licensed wholesaler or licensed sub-jobber; “unclassified importer”, any person other than a transportation company who imports or acquires cigarettes from any one other than a licensed wholesaler, licensed sub-jobber, licensed vending machine operator or licensed manufacturer; “transportation company”, any person operating, or sup-

plying to a common carrier, cars, boats or other vehicles for the transportation or accommodation of passengers and engaged in the sale of cigarettes at retail; "retailer", any person other than a transportation company who sells cigarettes at retail, including a person selling through vending machines; "licensed", licensed under this act. Whenever used in this act, unless the context shall otherwise require, the words "sales" or "sale" in addition to their ordinary meaning shall include or apply to use, gifts, exchanges and barter, and the term "place of business" shall mean and include any place where cigarettes are sold or where cigarettes are brought or kept for the purpose of sale or consumption, including so far as applicable any vessel, vehicle, airplane, train or cigarette vending machine.

SECTION 2. No person shall carry on the business of selling cigarettes nor act as a manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer, transportation company or retailer, in the commonwealth, unless licensed so to do as herein provided. The commissioner, upon proper application and the payment of the applicable fee herein provided, shall issue a license to each manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer, transportation company or retailer; provided, that, in the case of a retailer, each place of business shall be separately licensed. If a manufacturer, wholesaler, sub-jobber, vending machine operator or unclassified importer acts in more than one of said capacities at any one place of business he shall procure a license for each capacity in which he acts. Every machine operated or maintained for the purpose of vending cigarettes shall for the purposes of this act be deemed to constitute a place of retail business, and no person shall maintain or cause to be operated such a machine without procuring a retailer's license. Each license so issued or a duplicate copy thereof shall be prominently displayed on the premises covered by the license and in the case of vending machines there shall be attached to the same a disc or marker to be furnished by the commissioner showing it to have been licensed. The commissioner shall prescribe the forms of application for a license under this act and may require therein such information as he deems necessary in connection with the proper administration of this act. The fees for licenses shall be as follows:— a manufacturer's license, a sum determined by the commissioner, but not to exceed twenty-five dollars; a wholesaler's license, one hundred dollars; a sub-jobber's license, fifty dollars; a vending machine operator's license, twenty dollars; an unclassified importer's license, a sum determined by the commissioner, but not to exceed seventy-five dollars; a transportation company's license, five dollars; a retailer's license, one dollar. The licensing of the operation of cigarette vending machines is retained exclusively by the commonwealth and no city, town or other political subdivision of the commonwealth may license such

operation. No fee, nor any part of any fee, shall be refunded by reason of relinquishment or revocation of the license, or except under decree of a court of competent jurisdiction, for any other reason or cause.

SECTION 3. Each license issued under section two shall expire on the thirtieth day of June next succeeding the date of issuance, unless sooner revoked by the commissioner as provided in section four or unless the business with respect to which such license was issued shall change ownership, or unless the holder of the license shall remove his business from the premises covered by the license, in any of which cases the holder of the license shall immediately return it to the commissioner. In the event that the holder of a license removes his business to another location within the commonwealth, the license with respect to the former place of business shall, without the payment of an additional fee, be reissued for the new location for the balance of the unexpired term. The holder of each license, on application to the commissioner accompanied by the applicable fee prescribed in section two, may before the expiration date of the license then held by him renew his license for a further period of one year.

SECTION 4. The commissioner may suspend or revoke any license issued under this act for failure of the licensee to comply with any provision of said act, or if the licensee has ceased to act in the capacity for which the license was issued. Any person aggrieved by such suspension or revocation may apply to the commissioner for a hearing as provided in section twelve and may further appeal to the appellate tax board as provided in section fourteen.

SECTION 5. Every manufacturer, wholesaler, sub-jobber and unclassified importer shall keep a complete and accurate record of all sales of cigarettes, including the name and address of the purchaser, the place and date of delivery, the quantity of cigarettes and the trade name or brand thereof, and a complete and accurate record of the quantity of cigarettes imported, purchased or manufactured, and the date of importation, purchase or manufacture. Every such person shall also deliver with every consignment of cigarettes to a purchaser within the commonwealth a written statement containing the date of purchase, the names of the purchaser and seller, the quantity of cigarettes and the trade name or brand thereof, and shall retain a duplicate of each such statement. Each vending machine operator shall keep a complete and accurate record of cigarettes imported, purchased or otherwise acquired by him, including the name and address of the seller, the place and date of receipt and the quantity of cigarettes and the trade name or brand thereof, and shall also keep a detailed record of all cigarettes, including the quantity of cigarettes and trade name or brand thereof, placed in each vending machine, the location of the vending machine and the date of placing. Said records and said statements shall be in such form as the commissioner

shall prescribe and shall be preserved by such manufacturers, wholesalers, sub-jobbers, vending machine operators, unclassified importers and purchasers, respectively, for a period of two years and shall be offered for inspection at any time upon oral or written demand by the commissioner or his duly authorized agent. The commissioner may, in his discretion, require reports from any common carrier who transports cigarettes to any point or points within the commonwealth and from any other person who, under contract, so transports cigarettes, and from any bonded warehouseman or bailee who has in his possession any cigarettes, such reports to contain such information concerning shipments of cigarettes as the commissioner shall determine. All such carriers, bailees, warehousemen and other persons shall permit the examination by the commissioner or his duly authorized agent of any records relating to the shipment of cigarettes into, or from, or the receipt thereof within, the commonwealth. Whenever cigarettes are received or acquired within the commonwealth by a wholesaler, sub-jobber or vending machine operator licensed under section two, each shipping case or other container of such cigarettes shall bear the name and address of such licensee who made the first purchase from the manufacturer, together with the invoice number of the invoice covering such purchase from the manufacturer. Any person who shall knowingly be in possession within the commonwealth of such a shipping case or other container of cigarettes not bearing such name and address and invoice number, if any, and containing cigarettes, or any such licensee knowingly being in possession within the commonwealth of such a shipping case or other container of cigarettes from which such name and address has been erased or defaced, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and any cigarettes in such shipping case or other container from which such name or address or invoice number, if any, has been erased or defaced shall be deemed to be cigarettes upon which the excise imposed by this act has not been paid. Whenever cigarettes are shipped outside of the commonwealth every licensee under section two so shipping them shall cause to be placed on every shipping case or other container in which the cigarettes are shipped the name and address of the consignee to whom the shipment is made outside of the commonwealth.

SECTION 6. Every licensee under section two, other than a retailer, shall, on or before the fifteenth day of each month, file with the commissioner a return under the penalties of perjury, on a form to be furnished by the commissioner, stating the number of cigarettes sold by such licensee in the commonwealth during the preceding calendar month and such return shall contain or be accompanied by such further information as the commissioner shall require. Such licensee shall, at the time of filing such return, pay to the commissioner an excise equal to one mill for each cigarette so sold

during the calendar month covered by the return; provided, that cigarettes with respect to which the excise under this act has once been imposed and has not been refunded if paid, shall not be subject upon a subsequent sale to the excise imposed by this act. Such abatement of the excise provided by this act may be made by the commissioner by reason of bad debts, loss of cigarettes and such other causes as the commissioner may deem expedient. The commissioner shall certify said amount to the comptroller and the state treasurer shall pay said amount, without any appropriation therefor by the general court, out of the proceeds of such excise.

Each unclassified importer shall, upon importation of cigarettes into the commonwealth, file with the commissioner a return under penalties of perjury, on a form to be furnished by the commissioner, stating the number of cigarettes imported, and shall, at the time of filing such return, pay to the commissioner an excise equal to one mill for each cigarette so imported and held for sale or consumption, and cigarettes with respect to which such excise has been imposed and has not been refunded if paid, shall not be subject when subsequently sold to any further excise under this act.

SECTION 7. If a licensee under section two, having failed to file a return, or, having filed an incorrect or insufficient return, fails to file, within ten days after the mailing or delivery of written notice to him by the commissioner of his delinquency, a correct and sufficient return and to pay the amount shown to be due, with interest at six per cent from the fifteenth day of the month in which the return is required to be made pursuant to section six, the commissioner shall determine the amount due, at any time prior to the time this act ceases to be in effect. Such licensee may appeal to the appellate tax board from the determination of the commissioner within ten days after the mailing or delivery of written notice thereof, and, the decision of such board shall be final. The commissioner, or in the case of appeal the appellate tax board, having made such determination, shall give notice in writing to the delinquent licensee of the amount determined to be due and the licensee shall, forthwith after the mailing or delivery of such notice, pay to the commissioner the amount so determined, with interest at six per cent from the fifteenth day of the month in which the return is required to be made pursuant to section six.

SECTION 8. A deputy sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant marshal, police officer, including a state police officer or a special police officer appointed under section sixteen, or constable, or, in the county of Dukes or Nantucket, the sheriff anywhere within his county, may without a warrant arrest any person whom he finds in the act of illegally transporting or delivering cigarettes, which have not been returned and are not returnable under section six, by a licensee under section two, and seize the said cigarettes, and the vending machines,

receptacles, boxes or cartons in which the same are contained, hereinafter called the container or containers, in the possession of such person, and detain them until a warrant for the arrest of such person, and a warrant for the seizure of said cigarettes and the container or containers, can be procured. Such cigarettes and the container or containers shall be forfeited to the commonwealth and proceedings shall be had as provided hereinafter and in sections fifty to fifty-five, inclusive, of chapter one hundred and thirty-eight of the General Laws. Such officers shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of any law relative to the possession of such cigarettes and container or containers of which they can obtain reasonable proof.

If the commissioner or his authorized agent makes complaint to a district court or trial justice or justice of the peace authorized to issue warrants in criminal cases that he has reason to believe and does believe that cigarettes, which have not been returned and are not returnable under section six, by a licensee under section two, and which are described in the complaint, are kept or deposited by a person named therein in a store, shop, warehouse, building, vehicle, steamboat, vessel or place, such court or justice, if it appears that there is probable cause to believe said complaint to be true, shall issue a search warrant to an officer qualified to serve criminal process, commanding him to search the premises in which it is alleged that such cigarettes are kept or deposited, and to seize such cigarettes, and the container or containers, and securely keep such cigarettes and container or containers until final action thereon, and return the warrant with his doings thereon, as soon as may be, to a district court or trial justice having jurisdiction in the place in which such cigarettes and container or containers are alleged to be kept or deposited.

The complaint shall particularly designate the building, structure or other place to be searched, the cigarettes and container or containers to be seized, the person by whom they are owned, kept or possessed and shall allege that such cigarettes are illegally kept or possessed. The warrant shall allege that probable cause has been shown for the issuing thereof; and the place to be searched, the cigarettes and container or containers to be seized, and the person believed to be the owner, possessor or keeper of such cigarettes and container or containers, shall be designated therein with the same particularity as in the complaint and the complainant shall be summoned to appear as a witness.

The officer to whom the warrant is committed shall search the premises and seize the cigarettes and container or containers described in the warrant, if they are found in or upon said premises, and shall convey the same to some place of security, where he shall keep the cigarettes and container or containers until final action is had thereon.

The court or trial justice before whom the warrant is returned shall, within twenty-four hours after the seizure thereunder of the cigarettes and container or containers, issue a notice, under seal, and signed by the justice or the clerk of said court, or by the trial justice, commanding the person complained against as the keeper of the cigarettes and container or containers seized and all other persons who claim any interest therein to appear before said court or trial justice, at a time and place therein named, to answer to said complaint and show cause why such cigarettes and container or containers should not be forfeited.

The notice shall contain a description of the number and kind of container or containers, and the quantity and kind of cigarettes, seized, as nearly as may be, and shall state when and where they were seized. It shall, not less than fourteen days before the time appointed for the trial, be served by a sheriff, deputy sheriff, constable or police officer upon the person charged with being the keeper thereof by leaving an attested copy thereof with him personally or at his usual place of abode, if he is an inhabitant of the commonwealth, and by posting an attested copy on the building in which the cigarettes and container or containers were seized, if they were found in a building; otherwise in a public place in the city or town in which they were seized.

At the time and place designated in the notice, the person complained against, or any person claiming an interest in the cigarettes and container or containers seized, or any part thereof, may appear and make his claim orally or in writing, and a record of his appearance and claim shall be made, and he shall be admitted as a party to the trial. Whether or not a claim as aforesaid is made, the court or trial justice shall proceed to try, hear and determine the allegations of such complaint, and whether said cigarettes and container or containers, or any part thereof, are forfeited. If it appears that the cigarettes and container or containers, or any part thereof, were at the time of making the complaint owned or kept by the person alleged therein in violation of law, the court or trial justice shall render judgment that such and so much of the cigarettes so seized as were so unlawfully kept, and the container or containers in which they were contained, shall, except as hereinafter provided, be forfeited to the commonwealth.

If it is not proved on the trial that all or part of the cigarettes seized were kept contrary to law, the court or trial justice shall issue a written order to the officer having the same in custody to return so many thereof as were not proved to be so kept or deposited, and the container or containers in which such cigarettes were contained, to the place as nearly as may be from which they were taken, or to deliver them to the person entitled to receive them. After executing such order, the officer shall return it to the court or trial justice with his doings endorsed thereon.

If no person appears and is admitted as a party as aforesaid, or if judgment is rendered in favor of all the claimants who appear, the cost of the proceedings shall be paid as in other criminal cases. If only one party appearing fails to sustain his claim, he shall pay all the costs except the expense of seizing and keeping the cigarettes and the container or containers, and an execution shall be issued against him therefor. If judgment is rendered against two or more claimants of distinct interests in the cigarettes, or container or containers, the cost shall, according to the discretion of the court or trial justice, be apportioned among such parties, and executions shall be issued against them severally. If any such execution is not forthwith paid, the defendant therein named shall be committed to jail, and shall not be discharged therefrom until he has paid the same and the costs of commitment, or until he has been imprisoned thirty days.

A claimant whose claim is not allowed as aforesaid, and the person complained against, shall each have the same right of appeal to the superior court as if he had been convicted of crime; but before his appeal is allowed he shall recognize to the commonwealth in the sum of two hundred dollars, with sufficient surety or sureties, to prosecute his appeal to the superior court and to abide the sentence of the court thereon. Upon such appeal, any question of fact shall be tried by a jury. On the judgment of the court after verdict, whether a forfeiture of the whole or any part of the cigarettes and container or containers seized, or otherwise, similar proceedings shall be had as are directed in sections fifty to fifty-four, inclusive, of chapter one hundred and thirty-eight of the General Laws.

SECTION 9. Sums due to the commonwealth under this act may be recovered by the attorney general in an action brought in the name of the commissioner. The commissioner shall have the same powers and remedies with respect to the collection of said sums as he has with respect to the collection of income taxes under chapter sixty-two of the General Laws. Sums overdue shall bear interest at the rate of six per cent per annum from the date when due to the date of payment. The commissioner may require a licensee under section two to furnish a surety company bond with a surety company authorized to do business in the commonwealth as surety, in such amount as he may fix, conditioned upon the payment of the excise provided by this act.

SECTION 10. No person shall have in his possession for a period in excess of forty-eight hours a machine for vending cigarettes unless there shall be attached to the same a disc or marker as provided in section two; provided, that this provision shall not apply to any such machine while not containing cigarettes and in the possession of a manufacturer of, or dealer in, such machines or a licensed vending machine operator. Any person violating this provision, and any person who shall sell, offer for sale or possess with intent to

sell any cigarettes or otherwise act as a manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer, transportation company or retailer without being licensed so to do under section two, shall, in addition to any other penalty provided by this act, be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not more than one year, or both. Any person who knowingly purchases or possesses any cigarettes not manufactured, purchased or imported by a manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer or transportation company, as the case may be, so licensed, shall be punished by a fine of not less than fifty nor more than one thousand dollars. No person, either as principal or agent, shall sell or solicit orders for cigarettes to be shipped, mailed or otherwise sent or brought into the commonwealth to any person not a manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer or transportation company so licensed. Any licensee under section two who files any false return, affidavit or statement, or who violates any provision of this act for which no other penalty has been provided, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. The state police and all local police authorities shall at the request of the commissioner or his duly authorized agent enforce the preceding provisions of this section. A licensee under section two who fails to file a return to the commissioner as required by section six, or a corrected return as required by section seven, or who fails to make a report required by section eleven, for the period of ten days after written notice by the commissioner so to do, shall forfeit to the commonwealth and pay to the commissioner on demand the sum of five dollars for each day of delay after mailing or delivery of written notice by the commissioner of such failure. The commissioner may for cause remit the whole or a part of the amount so forfeited. Any person other than such a licensee who knowingly sells or offers for sale or possesses any cigarettes upon which the excise imposed by this act has not been paid shall be liable to the commonwealth in double the amount of the excise in an action of contract; provided, that this provision shall not apply in the case of cigarettes included or required to be included in a return of a manufacturer, wholesaler, sub-jobber, vending machine operator, unclassified importer or transportation company licensed under section two. Any such licensee required to make return of the sale of cigarettes who knowingly sells cigarettes and does not make return of the same shall be liable to the commonwealth in double the amount of the excise in an action of contract.

SECTION 11. Each retailer shall keep within the commonwealth complete and accurate records of all cigarettes purchased or otherwise acquired and sold. Such records shall be of such kind and in such form as the commissioner may

prescribe and shall be safely preserved for two years in such manner as to insure permanency and accessibility for inspection by the commissioner or his authorized representative. The commissioner may require any retailer to make reports as often as he deems necessary to enable him to determine whether the excise imposed by this act has been fully paid. The commissioner and his authorized representatives may examine the books, papers and records of any retailer in the commonwealth, for the purpose of determining whether the excise imposed by this act has been fully paid, and may investigate and examine any stock of cigarettes in or upon any premises where such cigarettes are possessed, stored or sold, for the purpose of determining whether the provisions of this act are being obeyed.

SECTION 12. Any person aggrieved by any action of the commissioner or his authorized representatives under this act for which an appeal is not provided in section seven may, within ten days after written notice of such action is delivered or mailed to him, apply to the commissioner in writing for a hearing, setting forth the reasons why such hearing should be granted and the manner of relief sought. The commissioner shall consider each such application and may grant or deny the hearing requested. If the hearing be denied, the applicant shall be notified in writing thereof; if it be granted, the commissioner shall in writing notify the applicant of the time and place fixed for such hearing. After such hearing, the commissioner shall notify the applicant of his decision. The commissioner may, by notice in writing, at any time, order a hearing on his own initiative.

SECTION 13. The commissioner and any representative of the commissioner duly authorized to conduct any inquiry, investigation or hearing hereunder shall have power to administer oaths and take testimony under oath relative to the matter of inquiry or investigation. At any hearing ordered by the commissioner, the commissioner or his representative authorized to conduct such hearing may subpoena witnesses and require the production of books, papers and documents pertinent to such inquiry. No witness under subpoena authorized to be issued by any provision of this act shall be excused from testifying or producing books or papers on the ground that such testimony or the production of such books or other documentary evidence would tend to incriminate him, but such evidence or the books or papers so produced shall not be used in any criminal proceeding against him arising out of any violation of any provision of this act. If any person shall disobey such process or, having appeared in obedience thereto, shall refuse to answer any pertinent question put to him by the commissioner or his authorized agent or to produce any books and papers pursuant thereto, the commissioner or such representative may apply to the superior court for the county wherein the person, relative to whose business such hearing is ordered, resides or wherein such business has been conducted, or to any justice of said

court if the same shall not be in session, setting forth such disobedience to process or refusal to answer and said court or justice shall cite such person to appear before said court or justice to answer such question or to produce such books and papers, and, upon his refusal so to do, may commit him to jail until he shall testify, but not for a longer period than sixty days. Notwithstanding the serving of the term of such commitment by any person, the commissioner may proceed in all respects with such inquiry and examination as if the witness had not previously been called upon to testify. Officers who serve subpoenas issued by the commissioner or under his authority and witnesses attending a hearing conducted by him hereunder shall receive fees and compensation at the same rates as officers and witnesses before the courts of the commonwealth, to be paid on vouchers of the commissioner or on order of the comptroller, and the state treasurer shall pay said amount, without any appropriation therefor by the general court, out of the proceeds of the excise imposed by this act.

SECTION 14. Any person aggrieved because of a decision of the commissioner under section twelve may appeal therefrom to the appellate tax board within ten days after written notice of the decision has been mailed or delivered to him. The appellant shall at the time of taking an appeal file with said board a surety company bond running to the commonwealth with a surety company authorized to do business in the commonwealth as surety, in such sum as said board shall fix, conditioned to prosecute the appeal to effect and to comply with the orders and decrees of said board in the premises. Such appeals shall be preferred cases to be heard, unless cause appears to the contrary, in priority to other cases. During the pendency of any such appeal the decision of the commissioner so appealed from shall, unless otherwise ordered by said board, be inoperative. Said board may grant such relief as may be equitable and may certify to the comptroller the amount of such relief, and the state treasurer shall pay to the aggrieved taxpayer such amount, with interest at the rate of four per cent per annum, without any appropriation therefor by the general court, out of the proceeds of the excise imposed by this act. If the appeal shall have been taken without probable cause, the board may tax double or triple costs, as the case shall demand; and, upon all such appeals which may be denied, costs may be taxed against the appellant at the discretion of the board; provided, that no costs shall be taxed against the commonwealth.

SECTION 15. The administration of this act is vested in the commissioner. All forms necessary and proper for the enforcement of this act shall be prescribed and furnished by the commissioner. The commissioner may prescribe regulations and rulings not inconsistent with law, to carry into effect the provisions of this act, which regulations and rulings, when reasonably designed to carry out the intent and

purpose of this act, shall be prima facie evidence of its proper interpretation.

SECTION 16. At the request of the commissioner of corporations and taxation, the commissioner of public safety may appoint employees of the department of corporations and taxation as special police officers, each to serve for a term of two years subject to removal by the commissioner of public safety. Such police officers shall report to the commissioner of public safety as to their official acts at such time and in such manner as he may require. They shall serve without pay, except their regular compensation as employees of said department, and shall have and exercise throughout the commonwealth powers of state police officers to serve warrants and other criminal processes and to arrest and detain any person violating any provision of this act.

SECTION 17. If any provision or provisions of this act are declared unconstitutional or inoperative by a final judgment, order or decree of the supreme court of the United States or of the supreme judicial court of the commonwealth, the remaining parts of said act shall not be affected thereby.

SECTION 18. For the purpose of making adequate preparation for administering the excise provided by this act, including preparation of forms and the procuring of equipment, the commissioner of corporations and taxation may expend sums not exceeding, in the aggregate, the sum of ten thousand dollars, which sum is hereby appropriated from the general fund or ordinary revenue of the commonwealth, pursuant to a recommendation of the governor to that effect.

SECTION 19. Sections one to seventeen, inclusive, of this act shall become effective on July first of the current year and shall continue in effect until July first, nineteen hundred and forty-three; and this section and section eighteen of this act shall take effect upon its passage.

Approved June 26, 1941.

AN ACT FURTHER EXTENDING THE TERM OF OFFICE OF THE MILK CONTROL BOARD. Chap. 418

Whereas, Under existing provisions of law the existence of the milk control board will terminate on June thirtieth, nineteen hundred and forty-one, but it is necessary that the provisions of this act take effect on or before said June thirtieth, so that the existence of said board may be continued for a further period of two months without interruption; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as most recently amended by chapter four hundred and thirteen of the acts of nineteen hundred and thirty-nine,

is hereby further amended by striking out, in the third line, the words "June thirtieth" and inserting in place thereof the words:— August thirty-first,— so as to read as follows:— *Section 22.* The board shall continue with all the duties and responsibilities prescribed and imposed by this act until August thirty-first, nineteen hundred and forty-one. On and after the date when this act ceases to be operative any and all obligations which shall have arisen prior to such date or which may arise thereafter in connection therewith, and any violations which shall have occurred prior to such date, shall be deemed not to be affected, terminated or waived by reason of the fact that this act has ceased to be operative.

SECTION 2. The milk control board may continue expenditures in each of the months of July and August in the current year at the monthly rate authorized by appropriations made for the current fiscal year by items 0906-01 and 0906-02 of the general appropriation act of the current year, until the general court makes an appropriation for expenditures by said board during said months of July and August.

Approved June 26, 1941.

Chap. 419 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS, AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the general fund or revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and forty-one, and for the fiscal year ending November thirtieth, nineteen hundred and forty-two, or for such other period as may be specified.

SECTION 2.

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Legislative Department.</i>		
0101-01	For the compensation of senators .	\$102,500 00
0101-02	For the compensation for travel of senators for the year nineteen hundred and forty-one and for expense allowance for the year nineteen hundred and forty-two	-
		\$5,775 00 \$20,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0101-03	For the compensation of representatives	\$602,500 00	-
0101-04	For the compensation for travel of representatives for the year nineteen hundred and forty-one and for expense allowance for the year nineteen hundred and forty-two	36,120 00	\$120,000 00
0101-05	For the salaries of the clerk of the senate and the clerk of the house of representatives	12,000 00	12,000 00
0101-06	For the salaries of the assistant clerk of the senate and the assistant clerk of the house of representatives	8,000 00	8,340 00
0101-07	For such additional clerical assistance to, and with the approval of, the clerk of the senate, as may be necessary for the proper despatch of public business, including not more than one permanent position	2,800 00	2,800 00
0101-08	For such additional clerical assistance to, and with the approval of, the clerk of the house of representatives, as may be necessary for the proper despatch of public business, including not more than three permanent positions	8,100 00	7,800 00
0101-09	For the salary of the sergeant-at-arms	4,000 00	4,000 00
0101-10	For clerical and other assistance employed by the sergeant-at-arms, including not more than four permanent positions	6,270 00	6,510 00
0101-11	For the compensation for travel of doorkeepers, assistant doorkeepers, general court officers, pages and other employees of the sergeant-at-arms, authorized by law to receive the same	6,237 00	4,000 00
0101-12	For the salaries of the doorkeepers of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than two permanent positions	5,500 00	5,500 00
0101-13	For the salaries of assistant doorkeepers to the senate and house of representatives and of general court officers, with the approval of the sergeant-at-arms, including not more than twenty permanent positions	40,846 32	40,600 00
0101-14	For compensation of the pages of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than twenty permanent positions	14,000 00	-
0101-15	For the salaries of clerks employed in the legislative document room, including not more than two permanent positions	6,250 00	4,850 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0101-16	(This item combined with item 0101-10.)		
0101-17	For the salaries of the chaplains of the senate and house of representatives, including not more than two permanent positions	\$1,500 00	-
0101-18	For personal services of the counsel to the senate and assistants, including not more than four permanent positions in the year nineteen hundred and forty-one and three permanent positions in the year nineteen hundred and forty-two	22,300 00	\$20,200 00
0101-19	For personal services of the counsel to the house of representatives and assistants, including not more than seven permanent positions	34,400 00	28,100 00
0101-20	For clerical and other assistance of the senate committee on rules, including not more than one permanent position	5,000 00	3,150 00
0101-21	For clerical and other assistance of the house committee on rules, including not more than one permanent position	4,670 00	3,000 00
0101-22	For clerical and other assistance of the joint recess committee on ways and means, as authorized by a joint order of the general court, including not more than two permanent positions	-	7,600 00
0102-01	For traveling and such other expenses of the committees of the present general court as may be authorized by order of either branch of the general court	9,625 00	400 00
0102-02	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches	90,000 00	-
0102-03	For printing the manual of the general court, with the approval of the clerks of the two branches	5,172 00	-
0102-04	For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than one permanent position	19,896 00	-
0102-05	For stationery for the senate, purchased by and with the approval of the clerk	400 00	100 00
0102-06	For office and other expenses of the committee on rules on the part of the senate	200 00	100 00
0102-07	For office expenses of the counsel to the senate	300 00	100 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0102-08 For stationery for the house of representatives, purchased by and with the approval of the clerk	\$800 00	\$350 00
0102-09 For office and other expenses of the committee on rules on the part of the house	200 00	200 00
0102-10 For office expenses, including travel, of the counsel to the house of representatives	300 00	300 00
0102-11 For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, with the approval of the sergeant-at-arms	9,500 00	5,000 00
0102-12 For telephone service	8,000 00	1,100 00
0102-13 For the purchase of outline sketches of members of the senate and house of representatives	1,850 00	-
0102-14 For the payment of witness fees to persons summoned to appear before committees of the general court, and for expenses incidental to summoning them, with the approval of the sergeant-at-arms	200 00	-
0102-16 For the consolidation and arrangement of certain laws, including work, under the direction of the senate and house counsel, with the approval of the president of the senate and the speaker of the house of representatives, upon certain indexes and relating to recess committee investigations	7,000 00	10,800 00
0102-17 For office and other expenses of the joint recess committee on ways and means, including travel, as authorized by a joint order of the general court	-	1,200 00
0102-18 For travel of the committee on public welfare, as authorized by an order of the general court	2,000 00	-
Totals	\$1,084,211 32	\$318,100 00

Service of Legislative Investigations.

0211-00 For clerical and other necessary expenses of a joint committee established for the purpose of recommending a new division of the commonwealth into congressional districts, to be expended with the approval of the governor and council, as authorized by a joint order of the general court	\$2,000 00	-
0212-00 For clerical and other necessary expenses of a joint special committee established for the purpose of making an investigation	-	-

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
and study of the district court system of the commonwealth, as authorized by a joint order of the general court	\$1,500 00	—
Totals	\$3,500 00	—

Service of the Judicial Department.

Supreme Judicial Court, as follows:

0301-01	For the salaries of the chief justice and of the six associate justices .	\$99,000 00	\$99,000 00
0301-02	For traveling allowance and ex- penses	2,000 00	2,000 00
0301-03	For the salary of the clerk of the commonwealth	6,500 00	6,500 00
0301-04	For clerical assistance to the clerk .	1,800 00	1,800 00
0301-05	For law clerks, stenographers and other clerical assistance for the justices	28,000 00	28,000 00
0301-06	For office supplies, services and equipment	6,000 00	6,000 00
0301-07	For the salaries of the officers and messengers	3,290 00	3,290 00
0301-08	For the commonwealth's part of the salary of the clerk for the county of Suffolk	1,500 00	1,500 00
	Totals	\$148,090 00	\$148,090 00

Reporter of Decisions:

0301-11	For the salary of the reporter of decisions	\$6,000 00	\$6,000 00
0301-12	For clerk hire and office supplies, services and equipment, including not more than four permanent positions	13,050 00	13,050 00
0301-13	For additional clerk hire and other work in preparing decisions for printing, to be in addition to estimates for personal services included in item 0301-12	2,500 00	-
	Totals	\$21,550 00	\$19,050 00

Superior Court, as follows:

0302-01	For the salaries of the chief justice and of the thirty-one associate justices	\$385,000 00	\$385,000 00
0302-02	For traveling allowances and expenses	15,000 00	15,000 00
0302-03	For the salary of the assistant clerk, Suffolk county	1,000 00	1,000 00
0302-04	For clerical work, inspection of records and doings of persons authorized to admit to bail, for an executive clerk to the chief justice, and for certain other expenses incident to the work of the court	14,000 00	14,250 00
	Totals	\$415,000 00	\$415,250 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Justices of District Courts:		
0302-11	For compensation of justices of district courts while sitting in the superior court	\$18,500 00	-
0302-12	For expenses of justices of district courts while sitting in the superior court	1,900 00	-
0302-13	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court	5,000 00	-
	Totals	\$25,400 00	-
	Judicial Council:		
0303-01	For expenses of the judicial council, as authorized by section thirty-four C of chapter two hundred and twenty-one of the General Laws, as appearing in the Tercentenary Edition thereof	\$1,800 00	\$1,800 00
0303-02	For compensation of the secretary of the judicial council, as authorized by said section thirty-four C of said chapter two hundred and twenty-one	3,500 00	3,500 00
	Totals	\$5,300 00	\$5,300 00
	Administrative Committee of District Courts:		
0304-01	For compensation and expenses of the administrative committee of district courts	\$2,500 00	\$2,500 00
	Probate and Insolvency Courts, as follows:		
0305-01	For the salaries of judges of probate of the several counties, including not more than twenty permanent positions	\$158,500 00	\$158,500 00
0305-02	For the compensation of judges of probate when acting for other judges of probate	6,000 00	6,000 00
0305-03	For expenses of judges of probate when acting for other judges of probate	300 00	300 00
0305-04	For the salaries of registers of the several counties, including not more than fourteen permanent positions	63,300 00	63,300 00
0305-05	For the salaries of assistant registers, including not more than twenty-two permanent positions	78,200 00	79,470 00
0305-06	For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws	300 00	300 00
	Totals	\$306,600 00	\$307,870 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	For clerical assistance to Registers of the several counties, as follows:		
0306-01	Barnstable, including not more than two permanent positions .	\$2,580 00	\$2,700 00
0306-02	Berkshire, including not more than four permanent positions .	5,850 00	5,880 00
0306-03	Bristol, including not more than ten permanent positions .	14,120 00	14,910 00
0306-04	Dukes County, including not more than one permanent position .	660 00	660 00
0306-05	Essex, including not more than fourteen permanent positions .	20,640 00	20,940 00
0306-06	Franklin, including not more than one permanent position .	1,260 00	1,260 00
0306-07	Hampden, including not more than nine permanent positions .	14,010 00	14,430 00
0306-08	Hampshire, including not more than two permanent positions .	2,880 00	2,940 00
0306-09	Middlesex, including not more than thirty-four permanent positions .	50,190 00	51,180 00
0306-10	Norfolk, including not more than thirteen permanent positions .	17,235 00	17,670 00
0306-11	Plymouth, including not more than four permanent positions .	5,250 00	5,400 00
0306-12	Suffolk, including not more than forty-four permanent positions .	61,767 00	63,210 00
0306-13	Worcester, including not more than twelve permanent positions .	15,510 00	16,530 00
	Totals	\$211,952 00	\$217,710 00
	Administrative Committee of Probate Courts:		
0307-01	For expenses of the administrative committee of probate courts .	\$100 00	\$100 00
	<i>Service of the Land Court.</i>		
0308-01	For the salaries of the judge, associate judges, the recorder and court officer, including not more than five permanent positions .	\$38,984 00	\$38,984 00
0308-02	For engineering, clerical and other personal services, including not more than twenty-two permanent positions .	53,430 00	55,430 00
0308-03	For personal services in the examination of titles, for publishing and serving citations and other services, traveling expenses, supplies and office equipment, and for the preparation of sectional plans showing registered land .	23,500 00	23,500 00
	Totals	\$115,914 00	\$117,914 00
	<i>Service of Pensions for Certain Retired Justices.</i>		
0309-01	For pensions of retired justices of the supreme judicial court and of the superior court, and judges of the probate courts and the land court	\$60,000 00	\$60,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the District Attorneys.</i>			
District Attorneys, as follows:			
0310-01	For the salaries of the district attorney and assistants for the Suffolk district, including not more than fourteen permanent positions	\$66,000 00	\$66,000 00
0310-02	For the salaries of the district attorney and assistants for the northern district, including not more than seven permanent positions	28,000 00	28,000 00
0310-03	For the salaries of the district attorney and assistants for the eastern district, including not more than five permanent positions	17,400 00	17,400 00
0310-04	For the salaries of the district attorney, deputy district attorney and assistants for the southeastern district, including not more than five permanent positions	18,600 00	18,600 00
0310-05	For the salaries of the district attorney and assistants for the southern district, including not more than three permanent positions	12,600 00	12,600 00
0310-06	For the salaries of the district attorney and assistants for the middle district, including not more than four permanent positions	15,000 00	15,000 00
0310-07	For the salaries of the district attorney and assistants for the western district, including not more than three permanent positions	10,400 00	10,400 00
0310-08	For the salary of the district attorney for the northwestern district	4,000 00	4,000 00
0310-09	For traveling expenses necessarily incurred by the district attorneys, except in the Suffolk district, including expenses incurred in previous years	4,500 00	4,500 00
Totals		\$176,500 00	\$176,500 00

Service of the Board of Probation.

0311-01	For personal services of the commissioner, clerks and stenographers, including not more than forty-three permanent positions	\$63,200 00	\$64,790 00
0311-02	For services other than personal, including printing the annual report, traveling expenses, rent, office supplies and equipment	12,000 00	12,700 00
Totals		\$75,200 00	\$77,490 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	<i>Service of the Board of Bar Examiners.</i>		
0312-01	For personal services of the members of the board, including not more than five permanent positions	\$12,500 00	\$12,500 00
0312-02	For other services, including not more than one permanent position, and including printing the annual report, traveling expenses, office supplies and equipment	7,900 00	7,900 00
	Totals	\$20,400 00	\$20,400 00

Suffolk County Court House.

0318-01	For reimbursing the city of Boston for thirty per cent of the cost of maintenance of the Suffolk County Court House, as provided by and subject to the conditions of section six of chapter four hundred and seventy-four of the acts of the year nineteen hundred and thirty-five; provided, that this appropriation shall not be construed as fixing the specific amount for which the commonwealth shall be liable on account of said maintenance	\$90,000 00	\$90,000 00
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Service of the Executive Department.

0401-01	For the salary of the governor	\$10,000 00	\$10,000 00
0401-02	For the salary of the lieutenant governor	4,000 00	4,000 00
0401-03	For the salaries of the eight councillors	8,000 00	8,000 00
0401-04	For the salaries of officers and employees of the department, including not more than seventeen permanent positions	42,500 00	41,190 00
0401-05	For certain personal services for the lieutenant governor and council, including not more than three permanent positions	5,700 00	5,700 00
0401-21	For travel and expenses of the lieutenant governor and council from and to their homes	3,000 00	3,000 00
0401-22	For postage, printing, office and other contingent expenses, including travel, of the governor	15,000 00	12,000 00
0401-23	For postage, printing, stationery, traveling and contingent expenses of the governor and council	3,000 00	1,500 00
0401-24	For payment of extraordinary expenses and for transfers made to cover deficiencies, with the approval of the governor and council	75,000 00	35,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0401-26 For certain maintenance expenses of the governor's automobile . .	\$1,000 00	\$1,000 00
0401-27 For the purchase of an automobile for the governor	2,415 00	-
0401-28 For expenses incurred in the arrest of fugitives from justice, and any unexpended balance remaining at the end of the fiscal year nineteen hundred and forty-one may be used in the fiscal year nineteen hundred and forty-two . .	2,500 00	-
0401-31 (This item omitted.)		
0401-32 For restoring and protecting certain portraits of former governors, with the approval of the art commission	500 00	-
0401-33 For emergency purposes arising during the fiscal year ending November thirtieth, nineteen hundred and forty-two	-	500,000 00
The head of any department or of any agency of the commonwealth may make written application to the commission on administration and finance for additional funds to be paid from this item to meet expenses in such department or agency arising during the said year from an emergency. Upon receipt of such application, said commission shall investigate the need for such additional funds and shall forthwith advise the governor in writing of all pertinent facts relative thereto; and, at the same time, the commission shall recommend in writing whether, in its opinion, additional funds should be made available and, if so, in what amount.		
Upon receipt of such recommendation, the governor, with the advice and consent of the council, may direct the comptroller to transfer from this item to said department or agency such amount as the governor may find to be needed to meet such emergency, but no part of the amount so transferred shall be available for the salaries of new positions on a permanent basis.		
0401-34 For expenses incidental to a survey of the radio and other communication facilities of the commonwealth	5,000 00	-
0401-35 (This item included under item 0450-01.)		
Totals	\$177,615 00	\$621,390 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Adjutant General.</i>			
0402-01	For the salary of the adjutant general	\$6,000 00	\$6,000 00
0402-02	For personal services of office assistants, including services for the preparation of records of Massachusetts soldiers and sailors, and including not more than fifteen permanent positions	26,600 00	26,000 00
0402-03	For services other than personal, and for necessary office supplies and expenses	5,000 00	5,000 00
0402-04	For expenses not otherwise provided for in connection with military matters and accounts	6,500 00	6,200 00
Totals		\$44,100 00	\$43,200 00
<i>Service of the Organized Militia.</i>			
0403-01	For allowances to companies and other administrative units, to be expended under the direction of the adjutant general	\$94,150 00	\$108,936 50
0403-02	(This item combined with item 0403-05.)		
0403-03	For certain allowances for officers of the organized militia, as authorized by paragraph (c) of section one hundred and forty-five of chapter thirty-three of the General Laws, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine	20,500 00	21,000 00
0403-04	For pay and transportation of certain boards	1,200 00	1,200 00
0403-05	For expenses of military training and instruction, including organization, administration and elements of military art, use of chemical gas, rifle practice, and pay and expenses of certain camps of instruction	28,000 00	28,000 00
0403-06	For pay and transportation in making inspections and surveys, and for escort duty	3,000 00	2,500 00
0403-07	For transportation of officers and non-commissioned officers for attendance at military meetings	2,000 00	2,500 00
0403-08	For transportation to and from regimental and battalion drills	300 00	500 00
0403-10	(This item combined with item 0403-05.)		
0403-11	(This item omitted.)		
0403-13	For compensation for special and miscellaneous duty	21,000 00	13,000 00
0403-14	For compensation for accidents and injuries sustained in the performance of military duty	3,000 00	3,400 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0403-15 To cover certain small claims for damages to private property arising from military maneuvers	\$700 00	\$500 00
0403-16 (This item omitted.)		
0403-17 For services and expenses of the military reservation located in Barnstable county, including compensation of one commissioner	6,000 00	6,000 00
0403-18 For premiums on bonds for officers	2,000 00	2,000 00
0403-19 (This item combined with item 0403-05.)		
0403-20 For allowances for batteries of field artillery	596 78	—
0403-21 For expenses of operation of the twenty-sixth division and of the second division of the state guard	4,000 00	5,100 00
0403-22 For clerical and other expenses for the office of the property and disbursing officer, including not more than three permanent positions	4,670 00	5,000 00
0403-23 For personal services necessary for the operation of the commonwealth depot and motor repair park, including not more than eighteen permanent positions	28,000 00	28,450 00
0404-20 (This item combined with item 0402-04.) (Items 0404-01 to 0404-19, inclusive, combined with items under the Organized Militia.)		
0404-31 For the purchase of uniforms and equipment for the state guard, so-called, to be in addition to any amount heretofore appropriated for the purpose	83,000 00	—
Totals	\$302,116 78	\$228,086 50

Service of the State Quartermaster.

0405-01 For personal services of the state quartermaster, superintendent of arsenal and certain other employees of the state quartermaster, including not more than eight permanent positions	\$15,560 00	\$15,940 00
0405-02 For the salaries of armorers and assistant armorers of first-class armories, superintendent of armories, and other employees, including not more than eighty-three permanent positions	142,000 00	142,470 00
0406-01 For certain incidental military expenses of the quartermaster's department	100 00	100 00
0406-02 For office and general supplies and equipment	9,000 00	9,000 00
0406-03 For the care and maintenance of the state camp ground and buildings at Framingham	100 00	100 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0406-04	For the maintenance of armories of the first class, including the purchase of certain furniture . . .	\$188,000 00	\$188,000 00
0406-05	For reimbursement for rent and maintenance of armories not of the first class . . .	21,700 00	21,700 00
0406-06	For expense of maintaining and operating the Camp Curtis Guild rifle range, including not more than five permanent positions . . .	18,000 00	18,000 00
0406-07	For maintenance, other than personal services, of the commonwealth depot and motor repair park . . .	12,500 00	12,500 00
	Totals . . .	\$406,960 00	\$407,810 00

Service of the State Surgeon.

0407-01	For personal services of the state surgeon, and regular assistants, including not more than three permanent positions . . .	\$5,340 00	\$5,340 00
0407-02	For services other than personal, and for necessary medical and office supplies and equipment . . .	1,500 00	1,500 00
0407-03	For the examination of recruits . . .	5,000 00	5,000 00
	Totals . . .	\$11,840 00	\$11,840 00

Service of the State Judge Advocate.

0408-01	For compensation of the state judge advocate . . .	\$625 00	\$1,500 00
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Service of the Armory Commission.

0409-01	For compensation of one member . . .	\$200 00	\$200 00
0409-02	For office, incidental and traveling expenses . . .	100 00	100 00
	Totals . . .	\$300 00	\$300 00

Special:

0409-24	For certain reconstruction and repairs at the commonwealth armory . . .	-	\$75,000 00
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Service of Special Military Expenses.

0411-01	For the expense of testimonials to soldiers and sailors of the world war, to be expended under the direction of the adjutant general . . .	\$35 00	\$30 00
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Service of the Commission on Administration and Finance.

0415-01	For personal services of the commissioners, including not more than four permanent positions . . .	\$26,500 00	\$26,500 00
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0415-02	For personal services of the bureau of the comptroller, including not more than eighty-six permanent positions	\$143,850 00	\$146,530 00
0415-03	For personal services of the bureau of the purchasing agent, including not more than forty-one permanent positions	76,310 00	78,000 00
0415-04	For other personal services of the commission, including not more than thirty-three permanent positions	67,700 00	75,400 00
0415-05	For other expenses incidental to the duties of the commission	53,100 00	56,100 00
0415-10	For telephone service in the state house and expenses in connection therewith	42,500 00	39,500 00
	Totals	\$409,960 00	\$422,030 00

Purchase of paper:

0415-11	For the purchase of paper used in the execution of the contracts for state printing, other than legislative, with the approval of the commission on administration and finance	\$30,000 00	\$40,000 00
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Special:

0415-22	For expenses incidental to a survey of the classification system of the commonwealth	\$5,000 00	-
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Service of the State Superintendent of Buildings.

0416-01	For personal services of the superintendent and office assistants, including not more than four permanent positions	\$10,680 00	\$10,830 00
0416-02	For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, including not more than thirty-five permanent positions	61,800 00	62,200 00
0416-03	For personal services of capitol police, including not more than twenty-five permanent positions	46,920 00	47,160 00
0416-04	For personal services of janitors, including not more than eighteen permanent positions	25,300 00	25,600 00
0416-05	For other personal services incidental to the care and maintenance of the state house, including not more than seventy-two permanent positions	89,000 00	89,200 00
0416-07	For personal services of the central mailing room, including not more than eight permanent positions	12,685 00	12,935 00
	Totals	\$246,385 00	\$247,925 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Other Annual Expenses:		
0416-11	For contingent, office and other expenses of the superintendent .	\$400 00	\$350 00
0416-12	(This item included under item 0415-10.)		
0416-13	For services, supplies and equipment necessary to furnish heat, light and power	52,000 00	49,100 00
0416-14	For other services, supplies and equipment necessary for the maintenance and care of the state house and grounds, including repairs of furniture and equipment	29,000 00	30,000 00
0416-15	For office and other expenses of the central mailing room	100 00	100 00
	Totals	\$81,500 00	\$79,550 00
	Special Improvements:		
0416-23	For improvements in the power plant at the state house, including the purchase and installation of certain equipment . . .	\$50,000 00	\$57,000 00
0416-24	(This item omitted.)		
0416-25	For certain improvements in the heating and ventilating system of the Bulfinch front, so-called, of the state house, including the cost of purchase and installation	\$5,400 00	—

Service of the Alcoholic Beverages Control Commission.

The following items shall be payable from fees collected under section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as most recently amended:

0417-01	For personal services, including not more than forty-eight permanent positions	\$120,050 00	\$120,840 00
0417-02	For services other than personal, including rent of offices, travel, and office and incidental expenses	27,605 00	26,815 00
	Totals	\$147,655 00	\$147,655 00

Service of the State Racing Commission.

The following items shall be payable from fees collected under chapter one hundred and twenty-eight A of the General Laws, as amended:

0418-01	For personal services, including not more than eight permanent positions	\$80,600 00	\$80,720 00
0418-02	For other administrative expenses, including rent of offices, travel, and office and incidental expenses	7,350 00	7,700 00
	Totals	\$87,950 00	\$88,420 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the State Planning Board.</i>			
0419-01	For personal services of secretary, chief engineer, and other assistants, including not more than eleven permanent positions	\$22,500 00	-
0419-02	For services other than personal, including rent of offices, travel, and office supplies and equipment	6,750 00	-
	Totals	\$29,250 00	-

Service of the Commissioners on Uniform State Laws.

0420-01	For expenses of the commissioners.	\$400 00	\$400 00
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Service of the State Library.

0423-01	For personal services of the librarian	\$5,700 00	\$5,700 00
0423-02	For personal services of the regular library assistants, temporary clerical assistance, and for services for cataloguing, including not more than twenty-three permanent positions	41,505 00	42,330 00
0423-03	For services other than personal, including printing the annual report, office supplies and equipment, and incidental traveling expenses	2,400 00	2,400 00
0423-04	For books and other publications and things needed for the library, and the necessary binding and rebinding incidental thereto	10,000 00	10,000 00
	Special:		
0423-21	For the expense of additional stacks for the storage of books and papers	2,500 00	2,500 00
	Totals	\$62,105 00	\$62,930 00

Service of the Art Commission.

0424-01	For expenses of the commission	\$50 00	\$50 00
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Service of the Ballot Law Commission.

0425-01	For compensation of the commissioners, including not more than three permanent positions	\$30 00	\$1,500 00
0425-02	For expenses, including travel, supplies and equipment	20 00	250 00
	Totals	\$50 00	\$1,750 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Soldiers' Home in Massachusetts.</i>		
0430-00	For the maintenance of the Soldiers' Home in Massachusetts, with the approval of the trustees thereof, including not more than one hundred and ninety-five permanent positions, to be in addition to certain receipts from the United States government; provided, that this appropriation be reduced by any amount by which the receipts from the United States government may exceed one hundred and nine thousand dollars; and, provided further, that if such receipts from the United States government are less than one hundred and nine thousand dollars, this appropriation be increased by an amount equal to the difference between said amount and the amount actually received, and such increase shall be taken from item 0401-24	\$280,770 00 \$286,790 00
Special:		
0430-21	For improvements in the power house, including the purchase and installation of certain equipment	\$7,000 00 -
<i>Service of the Commissioner of State Aid and Pensions.</i>		
0440-01	For personal services of the commissioner and deputies, including not more than three permanent positions	\$13,060 00 \$13,060 00
0440-02	For personal services of agents, clerks, stenographers and other assistants, including not more than sixteen permanent positions	28,000 00 28,180 00
0440-03	For services other than personal, including printing the annual report, traveling expenses of the commissioner and his employees, and necessary office supplies and equipment	4,500 00 4,500 00
Totals		<hr/> \$45,560 00 \$45,740 00

For Expenses on Account of Wars.

- 0441-01 For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts soldiers and their families, to be paid on or before the fifteenth day of November in the years nineteen hundred and

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	forty-one and nineteen hundred and forty-two, in accordance with the provisions of existing laws relative to state and military aid	\$456,000 00	\$496,000 00
0441-02	For certain care of veterans of the civil war, their wives and widows, as authorized by section twenty-five of chapter one hundred and fifteen of the General Laws, as appearing in the Tercenary Edition thereof	19,500 00	18,000 00
	Totals	\$475,500 00	\$514,000 00

Service of the Massachusetts Aeronautics Commission.

0442-01	For personal services of employees, including not more than three permanent positions	\$6,930 00	\$7,490 00
0442-02	For administrative expenses, including consultants' services, office rent and other incidental expenses	11,070 00	12,510 00
	Totals	\$18,000 00	\$20,000 00

For the Maintenance of the Mount Greylock War Memorial.

0443-01	For expenses of maintenance of the Mount Greylock War Memorial, as authorized by section forty-seven of chapter six of the General Laws, inserted by chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-three	\$1,500 00	\$1,500 00
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For the Maintenance of Old State House.

0444-01	For the contribution of the commonwealth toward the maintenance of the old provincial state house	\$1,500 00	\$1,500 00
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National Education Association

0444-06	For expenses in connection with the convention of the National Education Association to be held in Boston during the year nineteen hundred and forty-one, as contained in the message of His Excellency the Governor under date of March thirty-first of the current year, and to be expended under the direction of the governor and council . . .	\$2,000 00	-
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Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Governor's Committee on Public Safety.</i>		
0450-01 For personal and other expenses of the governor's committee on public safety. No part of the appropriations herein authorized shall be available for the salaries of positions on a permanent basis. Persons employed by said committee shall not be subject to the civil service laws or the rules and regulations made thereunder, but their employment and salary rates shall be subject to the rules and regulations of the division of personnel and standardization. Further activities of the committee shall terminate whenever, in the opinion of the governor, its continuation is no longer required in the best interests of the commonwealth. Expenditures under this item shall be subject to the approval of a majority of the members of the executive committee of said committee on public safety	\$200,000 00	\$310,000 00

Service of the Secretary of the Commonwealth.

0501-01 For the salary of the secretary	\$7,000 00	\$7,000 00
0501-02 For the salaries of officers and employees holding positions established by law, and other personal services, including not more than sixty-six permanent positions	112,950 00	113,850 00
0501-03 For services other than personal, traveling expenses, office supplies and equipment, for the arrangement and preservation of state records and papers, including traveling expenses of the supervisor of public records	21,500 00	17,500 00
0501-04 For postage and expressage on public documents, and for mailing copies of bills and resolves to certain state, city and town officials	2,000 00	2,000 00
0501-05 For printing registration books, blanks and indexes	2,000 00	1,000 00
0501-06 For the preparation of certain indexes of births, marriages and deaths	9,000 00	9,000 00
0501-08 For the purchase of ink for public records of the commonwealth	1,200 00	1,200 00
0501-09 For the purchase of copies of certain town records prior to eighteen hundred and fifty	1,500 00	1,500 00
Totals	\$157,150 00	\$153,050 00

Specials:

0502-01 For the purchase of certain supplies and equipment, and for		
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	other things necessary in connection with the reproduction of the manuscript collection designated "Massachusetts Archives"	\$1,500 00	\$1,500 00
0502-02	For the purchase and distribution of copies of certain journals of the house of representatives of Massachusetts Bay from seventeen hundred and fifteen to seventeen hundred and eighty, inclusive, as authorized by chapter four hundred and thirteen of the acts of nineteen hundred and twenty	-	750 00
0502-03	For the purchase by the secretary of the commonwealth of certain copies of a history of "The 101st Field Artillery, A. E. F."	1,000 00	-
	Totals	\$2,500 00	\$2,250 00
	For printing laws, etc.:		
0503-01	For printing and distributing the pamphlet edition and for printing and binding the blue book edition of the acts and resolves of the present year	\$13,000 00	-
0503-02	For the printing of reports of decisions of the supreme judicial court, to be in addition to any unexpended balance of appropriations made for the purpose in preceding years	50,400 00	\$12,600 00
0503-03	For printing and binding public documents	3,400 00	2,500 00
	Totals	\$66,800 00	\$15,100 00
	For matters relating to elections:		
0504-01	For personal and other services in preparing for primary elections, including not more than one permanent position, and for the expenses of preparing, printing and distributing ballots for primary and other elections	\$4,700 00	\$175,000 00
0504-02	For the printing of blanks for town officers, election laws and blanks and instructions on all matters relating to elections	3,000 00	3,000 00
0504-03	For furnishing cities and towns with ballot boxes, and for repairs to the same; for the purchase of apparatus to be used at polling places in the canvass and counting of votes; and for providing certain registration facilities	1,000 00	1,000 00
0504-04	For expenses of publication of lists of candidates and forms of questions before state elections	-	13,000 00
	Totals	\$8,700 00	\$192,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Medical Examiners' Fees:		
0505-01	For medical examiners' fees, as provided by law	\$1,200 00	\$1,200 00
	Commission on Interstate Co- operation:		
0506-01	For personal and other services of the commission, including travel and other expenses, as authorized by sections twenty-one to twenty-five, inclusive, of chapter nine of the General Laws, inserted by chapter four hundred and four of the acts of nineteen hundred and thirty-seven, including not more than two permanent positions	\$7,700 00	\$7,700 00
	<i>Service of the Treasurer and Receiver-General.</i>		
0601-01	For the salary of the treasurer and receiver-general	\$6,000 00	\$6,000 00
0601-02	For salaries of officers and employees holding positions established by law and additional clerical and other assistance, including not more than thirty-seven permanent positions	67,700 00	68,820 00
0601-03	For services other than personal, traveling expenses, office supplies and equipment	18,000 00	18,000 00
	Totals	\$91,700 00	\$92,820 00
	Commissioners on Firemen's Relief:		
0602-01	For relief disbursed, with the approval of the commissioners on firemen's relief, subject to the provisions of law	\$16,000 00	\$15,000 00
0602-02	For expenses of administration by the commissioners on firemen's relief	400 00	400 00
	Totals	\$16,400 00	\$15,400 00
	Payments to Soldiers:		
0603-01	For making payments to soldiers in recognition of service during the world war and the Spanish war, as provided by law	\$2,000 00	\$2,000 00
0603-02	(This item included under item 0603-01.)		
	Totals	\$2,000 00	\$2,000 00
	State Board of Retirement:		
0604-01	For personal services in the administrative office of the state board of retirement, including not more than nine permanent positions	\$13,680 00	\$14,440 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0604-02	For services other than personal, printing the annual report, and for office supplies and equipment	\$1,000 00	\$1,400 00
0604-03	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, to be in addition to the amounts appropriated in item 2970-01	364,000 00	389,000 00
Totals		\$378,680 00	\$404,840 00

Service of the Emergency Finance Board.

0605-01	For administrative expenses of the emergency finance board, including not more than eight permanent positions	\$15,000 00	\$15,000 00
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Service of the State Emergency Public Works Commission.

0606-01	For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by any acts or joint resolutions of congress authorizing grants of federal money for public projects, including not more than eight permanent positions	\$18,000 00	-
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Service of the Auditor of the Commonwealth.

0701-01	For the salary of the auditor	\$6,000 00	\$6,000 00
0701-02	For personal services of deputies and other assistants, including not more than twenty-three permanent positions	68,260 00	68,770 00
0701-03	For services other than personal, traveling expenses, office supplies and equipment	6,500 00	6,500 00
Totals		\$80,760 00	\$81,270 00

Service of the Attorney General's Department.

0801-01	For the salary of the attorney general	\$8,000 00	\$8,000 00
0801-02	For the compensation of assistants in his office, and for such other legal and personal services as may be required, including not more than thirty-seven permanent positions	124,000 00	124,000 00
0801-03	For services other than personal, traveling expenses, office supplies and equipment	10,000 00	10,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0802-01	For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employees	\$7,000 00	\$7,000 00
0802-02	For the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws, as appearing in the Tercentenary Edition thereof	5,000 00	5,000 00
	Totals	\$154,000 00	\$154,000 00

Specials:

0803-04	For expenses incidental to special litigation to recover certain bank deposits, as authorized by section forty-one of chapter one hundred and sixty-eight of the General Laws	\$15,000 00	-
0803-05	For certain expenses in connection with office renovation, including furnishings	\$3,000 00	-

Service of the Department of Agriculture.

0901-01	For the salary of the commissioner	\$6,000 00	\$6,000 00
0901-02	For personal services of clerks and stenographers, including not more than seventeen permanent positions	27,890 00	28,370 00
0901-03	For traveling expenses of the commissioner	700 00	700 00
0901-04	For services other than personal, printing the annual report, office supplies and equipment, and printing and furnishing trespass posters	5,750 00	5,750 00
0901-11	For compensation and expenses of members of the advisory board	500 00	500 00
0901-21	For services and expenses of apiary inspection, including not more than one permanent position	1,700 00	1,700 00
	Totals	\$42,540 00	\$43,020 00

Division of Dairying and Animal Husbandry:

0905-01	For personal services, including not more than five permanent positions	\$13,200 00	\$13,320 00
0905-02	For other expenses, including the enforcement of the dairy laws of the commonwealth	5,000 00	4,500 00
0905-03	For administering the law relative to the inspection of barns and dairies by the department of agriculture, including not more than eight permanent positions	25,000 00	25,000 00
	Totals	\$43,200 00	\$42,820 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Milk Control Board:		
0906-01	For personal services of members of the board and their employees, including not more than thirty-five permanent positions . . .	\$54,610 00	-
0906-02	For other administrative expenses of the board, including office expenses, rent, travel and special services, and including not more than two permanent positions; provided, that the appropriation herein authorized for the year nineteen hundred and forty-two shall be only for administrative expenses, including personal services, relative to the licensing and bonding of milk dealers . .	36,670 00	\$5,350 00
	Totals	\$91,280 00	\$5,350 00
	Division of Livestock Disease Control:		
0907-01	For the salary of the director . .	\$4,000 00	\$4,000 00
0907-02	For personal services of clerks and stenographers, including not more than eighteen permanent positions	26,125 00	26,400 00
0907-03	For services other than personal, including printing the annual report, traveling expenses of the director, office supplies and equipment, and rent	8,300 00	8,300 00
0907-04	For personal services of veterinarians and agents engaged in the work of extermination of contagious diseases among domestic animals, including not more than fifteen full-time permanent positions and not more than fifty-seven permanent intermittent positions	69,930 00	70,200 00
0907-05	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use . . .	12,750 00	12,750 00
0907-06	For reimbursement of owners of horses killed during the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two and previous years, travel, when allowed, of inspectors of animals, incidental expenses of killing and burial, quarantine and emergency services, and for laboratory and veterinary supplies and equipment	2,200 00	2,200 00
0907-07	For reimbursement of owners of tubercular cattle killed, including the payment of two claims of previous years amounting to seventy-three dollars and eighteen cents, as authorized by sec-		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	tion twelve A of chapter one hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, and in accordance with certain provisions of law and agreements made under authority of section thirty-three of said chapter one hundred and twenty-nine, as amended, during the years nineteen hundred and forty-one and nineteen hundred and forty-two and the previous year, to be in addition to any amount heretofore appropriated for the purpose; and any unexpended balance remaining at the end of either of the years nineteen hundred and forty-one and nineteen hundred and forty-two may be used in the succeeding year	\$30,000 00	\$30,000 00
	Totals	\$153,305 00	\$153,850 00
	Reimbursement of towns for inspectors of animals:		
0907-08	For the reimbursement of certain towns for compensation paid to inspectors of animals	\$5,200 00	\$5,200 00
	Division of Markets:		
0908-01	For personal services, including not more than twelve permanent positions	\$27,120 00	\$27,960 00
0908-02	For other expenses	5,700 00	5,700 00
0908-03	For the cost of work of inspecting certain orchards within the commonwealth to provide for effective apple pest control	1,700 00	1,700 00
	Totals	\$34,520 00	\$35,360 00
	Division of Plant Pest Control and Fairs:		
0909-01	For personal services, including not more than four permanent positions	\$15,080 00	\$15,080 00
0909-02	For travel and other expenses . .	6,000 00	5,800 00
0909-11	For work in protecting the pine trees of the commonwealth from white pine blister rust, and for payments of claims on account of currant and gooseberry bushes destroyed in the work of suppressing white pine blister rust	3,000 00	3,000 00
0909-12	For quarantine and other expenses in connection with the work of suppression of the European corn borer, so called, to be in addition to any amount heretofore appropriated for the purpose	2,750 00	2,750 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0909-13	For quarantine and other expenses in connection with the work of suppression of the Japanese beetle, so called	\$3,000 00	\$3,000 00
0909-21	For state prizes and agricultural exhibits including allotment of funds for the 4-H club activities, to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of either of the years nineteen hundred and forty-one and nineteen hundred and forty-two may be used in the succeeding year	24,000 00	24,000 00
	Totals	\$53,830 00	\$53,630 00

State Reclamation Board:

0910-01	For expenses of the board, including not more than five permanent positions	\$10,800 00	\$10,300 00
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Service of the Department of Conservation.

Administration:

1001-01	For the salary of the commissioner	\$6,000 00	\$6,000 00
1001-02	For traveling expenses of the commissioner	1,000 00	500 00
1001-03	For services other than personal, including printing, supplies and equipment, and rent	12,735 00	11,945 00
1001-04	For clerical and other assistance to the commissioner, including not more than twelve permanent positions	31,420 00	32,010 00
	Totals	\$51,155 00	\$50,455 00

Division of Forestry:

1002-01	For personal services of office assistants, including not more than four permanent positions	\$5,790 00	\$6,030 00
1002-02	For services other than personal, including printing the annual report, and for traveling expenses, necessary office supplies and equipment, and rent	5,650 00	5,650 00
1002-11	For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years	1,000 00	1,000 00
1002-12	For personal services of the state fire warden and his assistants, and for other services, including traveling expenses of the state		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	fire warden and his assistants, necessary supplies and equipment and materials used in new construction in the forest fire prevention service, including not more than twelve permanent positions	\$73,000 00	\$73,000 00
1002-14	For the expenses of forest fire patrol, as authorized by section twenty-eight A of chapter forty-eight, of the General Laws, as appearing in the Tercentenary Edition thereof	6,100 00	6,000 00
1002-15	For reimbursement to certain towns, as authorized by section twenty-four of said chapter forty-eight, as so appearing	200 00	200 00
1002-21	For the development of state forests, including not more than twenty-one permanent positions, and including salaries and expenses of foresters and the cost of maintenance of such nurseries as may be necessary for the growing of seedlings for the planting of state forests, as authorized by sections one, six, nine and thirty to thirty-six, inclusive, of chapter one hundred and thirty-two of the General Laws, as amended, to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of either of the years nineteen hundred and forty-one and nineteen hundred and forty-two may be used in the succeeding year	130,000 00	130,000 00
1002-31	For the suppression of the gypsy and brown tail moths, including not more than eight permanent positions, and for expenses incidental thereto, to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of either of the years nineteen hundred and forty-one and nineteen hundred and forty-two may be used in the succeeding year	42,420 00	42,105 00
	Totals	\$264,160 00	\$263,985 00
	Division of Fisheries and Game:		
1004-01	For the salary of the director	\$5,000 00	\$5,000 00
1004-02	For personal services of office assistants, including not more than ten permanent positions	19,000 00	19,200 00
1004-03	For services other than personal, including printing the annual report, traveling expenses and necessary office supplies and equipment, and rent	10,269 00	11,838 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1004-04 For expenses of exhibitions and other measures to increase the interest of the public in the protection and propagation of fish and game	\$950 00	\$950 00
Enforcement of laws:		
1004-11 For personal services of conservation officers, including not more than thirty-seven permanent positions	75,190 00	75,190 00
1004-12 For traveling expenses of conservation officers, and for other expenses necessary for the enforcement of the laws	31,460 00	31,460 00
Biological work:		
1004-21 For personal services to carry on biological work, including not more than two permanent positions	6,500 00	6,620 00
1004-22 For traveling and other expenses of the biologist and his assistants	2,200 00	2,200 00
Propagation of game birds, etc.:		
1004-31 For personal services of employees at game farms and fish hatcheries, including not more than twenty-four permanent positions	84,350 00	84,770 00
1004-32 For other maintenance expenses of game farms and fish hatcheries, and for the propagation of game birds and animals and food fish	114,600 00	115,400 00
Damages by wild deer and wild moose:		
1004-35 For the payment of damages caused by wild deer and wild moose, for the years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years, as provided by law	6,000 00	6,000 00
Supervision of public fishing and hunting grounds:		
1004-41 For personal services	2,200 00	2,200 00
1004-42 For other expenses	900 00	900 00
Specials:		
1004-43 For repairs and replacement of existing equipment and structures at the several fish hatcheries and game farms	3,000 00	3,000 00
1004-44 For the purchase of fish and game	2,000 00	—
1004-45 For expenses of providing for the establishment and maintenance of public fishing grounds	—	4,490 00
1004-46 For the cost of construction and improvement of certain fishways	3,900 00	3,000 00
1004-47 For consultants and other personal services, and for expenses, in connection with a biological survey of the streams and waters of the commonwealth to be made un-		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	der the direction of the commis- sioner of conservation . . .	—	\$6,000 00
1004-48	For the acquisition of fishing rights and privileges in streams and ponds in the commonwealth, the acquisition of lands bordering on such streams or ponds nec- essary for exercising such rights and privileges and the acqui- sition of rights of ingress to and egress from such streams, ponds and lands, with the approval of the governor and council . . .	\$4,000 00	4,000 00
1004-49	For payment of a judgment for damages, with the approval of the attorney general, in connec- tion with the conduct of the Montague fish hatchery . . .	4,459 00	—
	Totals	\$375,978 00	\$382,218 00
	Division of Wild Life Research and Management:		
1004-51	For personal services, including not more than three permanent positions	\$6,400 00	\$6,520 00
1004-52	For other expenses	1,300 00	1,300 00
1004-53	For expenses of establishing and conducting co-operative wild life restoration projects, as author- ized by chapter three hundred and ninety-two of the acts of nineteen hundred and thirty- eight, and federal funds received as reimbursements under this item are to be credited to the General Fund as income of the division of fisheries and game . .	18,600 00	18,730 00
	Totals	\$26,300 00	\$26,550 00
	Division of Marine Fisheries:		
1004-70	For the salary of the director . .	\$5,000 00	\$5,000 00
1004-71	For personal services, including not more than six permanent posi- tions; provided, that these ap- propriations shall not be used for the payment of salaries of food inspectors regulating the sale and cold storage of fresh food fish . .	10,990 00	11,050 00
1004-72	For services other than personal, traveling expenses, necessary office supplies and equipment, and rent	4,770 00	4,770 00
	Enforcement of shellfish and other marine fishery laws:		
1004-81	For personal services for the ad- ministration and enforcement of laws relative to shellfish and other marine fisheries, and for regulating the sale and cold storage of fresh food fish, includ- ing not more than sixteen per-		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	manent positions of which not more than five shall be food inspectors regulating the sale and cold storage of fresh food fish . . .	\$13,805 00	\$13,245 00
1004-82	For other expenses of the administration and enforcement of laws relative to shellfish and other marine fisheries and for regulating the sale and cold storage of fresh food fish . . .	15,000 00	14,500 00
1004-83	For expenses of purchasing lobsters, subject to the conditions imposed by section twenty-six of chapter one hundred and thirty of the General Laws, as appearing in section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three; provided, that the price paid for such lobsters shall not exceed the prevailing wholesale price for such lobsters in the district where purchased . . .	3,000 00	3,000 00
1004-84	For the cost of assisting coastal cities and towns in the propagation of food fish and the suppression of enemies thereof, as authorized by section three A of chapter one hundred and thirty of the General Laws, inserted therein by chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-five . . .	18,000 00	18,000 00
	Totals	\$100,565 00	\$99,565 00
	Special:		
1004-86	For the purchase of a patrol boat to replace number two boat, so-called, and the number two boat shall be disposed of in accordance with provisions of the General Laws	-	\$6,000 00
	Bounty on seals:		
1004-91	For bounties on seals	\$900 00	\$900 00
	<i>Service of the Department of Banking and Insurance.</i>		
	Division of Banks:		
1101-01	For the salary of the commissioner	\$6,000 00	\$6,000 00
1101-02	For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, including not more than one hundred and thirty-six permanent positions	341,825 00	346,000 00
1101-03	For services other than personal, printing the annual report, traveling expenses, office supplies and equipment	60,000 00	60,000 00
	Totals	\$407,825 00	\$412,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Supervisor of Loan Agencies:		
1102-01	For personal services of supervisor and assistants, including not more than seven permanent positions	\$14,070 00	\$14,130 00
1102-02	For services other than personal, printing the annual report, office supplies and equipment	1,250 00	1,300 00
	Totals	\$15,320 00	\$15,430 00
	Division of Insurance:		
1103-01	For the salary of the commissioner	\$6,000 00	\$6,000 00
1103-02	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, and including not more than one hundred and fifty-one permanent positions, partly chargeable to item 2970-02	255,930 00	259,770 00
1103-03	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment and rent of offices	73,000 00	73,000 00
1103-04	(This item included under item 2970-08.)		
	Totals	\$334,930 00	\$338,770 00
	Board of Appeal on Fire Insurance Rates:		
1104-01	For expenses of the board	\$300 00	\$400 00
	Division of Savings Bank Life Insurance:		
1105-01	For personal services of officers and employees, including not more than twenty-nine permanent positions	\$47,890 00	\$51,005 00
1105-02	For services other than personal, printing the annual report, traveling expenses, rent and equipment	18,000 00	18,000 00
	Totals	\$65,890 00	\$69,005 00
	<i>Service of the Department of Corporations and Taxation.</i>		
	Corporations and Tax Divisions:		
1201-01	For the salary of the commissioner	\$7,500 00	\$7,500 00
1201-02	For the salaries of certain positions filled by the commissioner, with the approval of the governor and council, and for additional clerical and other assistance, including not more than one hundred and twenty-six permanent positions, partly chargeable to item 2970-03; and it is hereby further provided that the sum of fifty thousand dollars, which		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	represents the estimated annual cost of collection of alcoholic beverages taxes, so-called, and which is hereby included in these appropriations for each of the years nineteen hundred and forty-one and nineteen hundred and forty-two, shall be transferred to the General Fund from fees collected under section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as amended . . .	\$210,890 00	\$212,550 00
1201-03	For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books . . .	42,600 00	42,000 00
1201-04	For expenses of the department for legal services, evidence and other information relative to domicile cases . . .	500 00	500 00
	Totals . . .	\$261,490 00	\$262,550 00
	Special:		
1201-06	For the purchase of a duplicating machine . . .	\$1,500 00	-
	Reimbursement for loss of taxes:		
1201-05	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the years nineteen hundred and forty-one and nineteen hundred and forty-two . . .	\$164,314 29	\$165,000 00
	Administration of new taxes:		
1201-11	For personal services for the administration of certain laws levying new taxes . . .	\$28,860 00	-
1201-12	For expenses other than personal services for the administration of certain laws levying new taxes . . .	9,490 00	-
	Totals . . .	\$38,350 00	-
1201-27	(See item 1202-21.)		
1201-28	(This item omitted.)		
	Income Tax Division (the three following appropriations are to be made from the receipts from the income tax):		
1202-01	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, including not more than two hundred and sixty-three permanent positions . . .	\$515,260 00	\$517,660 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942
1202-02	For services other than personal, and for traveling expenses, office supplies and equipment, and rent	\$157,500 00	\$153,000 00
1202-21	For expenses in connection with certain bonds filed in the state of Texas, and for legal fees, to permit suit in that state to recover judgment against Edgar B. Davis in relation to an unpaid income tax	44,632 68	—
	Totals	\$717,392 68	\$670,660 00
	Division of Accounts:		
1203-01	For personal services, including not more than one hundred and nine permanent positions partly chargeable to item 1203-11	\$103,775 00	\$106,480 00
1203-02	For other expenses	10,250 00	10,980 00
1203-11	For services and expenses of auditing and installing systems of municipal accounts, the cost of which is to be assessed upon the municipalities for which the work is done	221,320 00	233,640 00
1203-12	For the expenses of certain books, forms and other material, which may be sold to cities and towns requiring the same for maintaining their system of accounts	23,000 00	23,000 00
1203-21	For the administrative expenses of the county personnel board, including not more than five permanent positions	8,400 00	7,500 00
	Totals	\$366,745 00	\$381,600 00
	Appellate Tax Board:		
1204-01	For personal services of the members of the board and employees, including not more than twenty-five permanent positions	\$86,420 00	\$88,570 00
1204-02	For services other than personal, traveling expenses, office supplies and equipment, and rent	20,000 00	20,000 00
	Totals	\$106,420 00	\$108,570 00
	<i>Service of the Department of Education.</i>		
1301-01	For the salary of the commissioner	\$9,000 00	\$9,000 00
1301-02	For personal services of officers, agents, clerks, stenographers and other assistants, including not more than forty-four permanent positions, but not including those employed in university extension work	117,770 00	119,320 00
1301-03	For traveling expenses of members of the advisory board and of agents and employees when re-		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	quired to travel in discharge of their duties	\$5,600 00	\$5,600 00
1301-04	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law	10,310 00	10,310 00
1301-05	For expenses incidental to furnish- ing school committees with rules for testing the sight and hearing of pupils	250 00	250 00
1301-06	For printing school registers and other school blanks for cities and towns	2,000 00	2,000 00
1301-07	For expenses of holding teachers' institutes	1,700 00	1,700 00
1301-08	For aid to certain pupils in state teachers' colleges, under the di- rection of the department of edu- cation	4,000 00	4,000 00
1301-09	For assistance to children of cer- tain war veterans, for the years nineteen hundred and forty-one and nineteen hundred and forty- two and for previous years, as authorized by chapter two hun- dred and sixty-three of the acts of nineteen hundred and thirty, as amended	16,000 00	17,000 00
1301-10	For the maintenance and opera- tion of the state building on Newbury Street, Boston, includ- ing not more than four perma- nent positions	17,000 00	17,500 00
1301-11	(This item omitted.)		
1301-12	(This item omitted.)		
1301-13	(This item omitted.)		
	Totals	\$183,630 00	\$186,680 00
	Specials:		
1301-25	For sponsorship of certain Works Projects Administration or other federal projects	\$3,600 00	\$3,600 00
1301-27	(This item omitted.)		
	Division of Vocational Educa- tion:		
1301-30	For aid to certain persons receiv- ing instruction in the courses for vocational rehabilitation, as au- thorized by section twenty-two B of chapter seventy-four of the General Laws, as appearing in the Tercentenary Edition thereof	\$2,500 00	\$2,500 00
1301-31	For the training of teachers for vo- cational schools, to comply with the requirement of federal au- thorities under the provisions of the Smith-Hughes act, so called, including not more than twenty permanent positions	28,500 00	28,500 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1301-32	For the expenses of promotion of vocational rehabilitation in co-operation with the federal government, including not more than fifteen permanent positions	\$38,000 00	\$38,000 00
	Totals	\$69,000 00	\$69,000 00
	Education of deaf and blind pupils:		
1301-41	For the education of deaf and blind pupils of the commonwealth, as provided by section twenty-six of chapter sixty-nine of the General Laws, as amended . . .	\$423,000 00	\$423,000 00
	Reimbursement and aid:		
1301-51	For assisting small towns in providing themselves with school superintendents, as provided by law	\$100,500 00	\$100,500 00
1301-52	For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law . . .	205,000 00	205,000 00
1301-53	For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law; provided, that a sum not exceeding one thousand dollars is to be expended out of the appropriation for the year nineteen hundred and forty-one for expenses incidental to a study and report of the obligations of the commonwealth in relation hereto . . .	225,000 00	224,000 00
1301-54	For the reimbursement of certain cities and towns for a part of the expenses of maintaining agricultural and industrial vocational schools, as provided by law	1,656,334 33	1,675,000 00
1301-55	For reimbursement of certain cities and towns for adult English-speaking classes	80,000 00	85,000 00
	Totals	\$2,266,834 33	\$2,289,500 00
	University Extension Courses:		
1301-61	For personal services, including not more than forty-four permanent positions	\$160,340 00	\$161,200 00
1301-62	For other expenses	29,500 00	29,500 00
	Totals	\$189,840 00	\$190,700 00
	English-speaking Classes for Adults:		
1301-64	For personal services of administration, including not more than four permanent positions . . .	\$11,550 00	\$11,610 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1301-65	For other expenses of administration	\$2,000 00	\$2,000 00
	Totals	\$13,550 00	\$13,610 00
	Division of Immigration and Americanization:		
1302-01	For personal services, including not more than nineteen permanent positions	\$36,860 00	\$36,950 00
1302-02	For other expenses	6,750 00	6,800 00
	Totals	\$43,610 00	\$43,750 00
	Division of Public Libraries:		
1303-01	For personal services of regular agents and office assistants, including not more than five permanent positions	\$10,870 00	\$11,140 00
1303-02	For other services, including printing the annual report, traveling expenses, necessary office supplies and expenses incidental to the aiding of public libraries	10,000 00	11,000 00
	Totals	\$20,870 00	\$22,140 00
	Division of the Blind:		
1304-01	For general administration, furnishing information, industrial and educational aid, and for carrying out certain provisions of the laws establishing said division, including not more than twenty-two permanent positions	\$54,000 00	\$55,000 00
1304-03	For the maintenance of local shops, including not more than nine permanent positions	63,000 00	63,000 00
1304-04	For maintenance of Woolson House industries, so called, to be expended under the authority of said division, including not more than four permanent positions	60,000 00	62,000 00
1304-05	For the maintenance of certain industries for men, to be expended under the authority of said division, including not more than six permanent positions	145,000 00	147,000 00
1304-06	For instruction of the adult blind in their homes, including not more than fourteen permanent positions	19,500 00	19,500 00
1304-07	For expenses of providing sight-saving classes, with the approval of said division	21,000 00	21,000 00
1304-08	For aiding the adult blind, subject to the conditions provided by law	165,000 00	170,000 00
1304-10	For expenses of administering and operating the services of piano tuning and mattress renovating under section twenty-five of chapter sixty-nine of the General Laws, as amended by chapter		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	three hundred and ninety-seven of the acts of nineteen hundred and thirty-five	\$20,000 00	\$20,000 00
	Totals	\$547,500 00	\$557,500 00
	Teachers' Retirement Board:		
1305-01	For personal services of employees, including not more than nine permanent positions	\$15,030 00	\$15,600 00
1305-02	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent	5,000 00	5,000 00
1305-03	For payment of pensions to retired teachers	1,530,000 00	1,610,000 00
1305-04	For reimbursement of certain cities and towns for pensions to re- tired teachers	347,694 71	365,000 00
1305-05	For the reimbursement by the state treasurer of the surplus interest account of the teachers' retire- ment fund in each of the years nineteen hundred and forty-one and nineteen hundred and forty- two, the sum of forty-five thou- sand dollars on account of defi- cits in the annuity fund paid from surplus interest during the years nineteen hundred and thirty-nine and nineteen hun- dred and forty, and the teachers' retirement board is hereby au- thorized and directed to trans- fer from any surplus interest ac- count to the annuity reserve fund an amount necessary to meet any deficiencies in the an- nuity reserve fund during the years nineteen hundred and forty-one and nineteen hundred and forty-two, notwithstanding the provisions of paragraph two of section nine of chapter thirty- two of the General Laws, as amended	45,000 00	45,000 00
	Totals	\$1,942,724 71	\$2,040,600 00
	Massachusetts Nautical School:		
1306-01	For personal services of the secre- tary and office assistants, in- cluding not more than two per- manent positions	\$4,065 00	\$4,605 00
1306-02	For services other than regular clerical services, including print- ing the annual report, rent, office supplies and equipment	2,100 00	2,100 00
1306-10	For the maintenance of the school and ship, including not more than thirty-one permanent posi- tions	83,500 00	84,000 00
	Totals	\$89,665 00	\$90,705 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	For the maintenance of and for certain improvements at the state teachers' colleges, and the boarding halls attached thereto, with the approval of the commissioner of education, as follows:	
1307-00 State teachers' college at Bridge-water, including not more than sixty permanent positions . . .	\$155,420 00	\$154,230 00
1307-21 State teachers' college at Bridge-water, boarding hall, including not more than thirty permanent positions . . .	54,000 00	54,000 00
1308-00 State teachers' college at Fitchburg, including not more than fifty-eight permanent positions .	180,275 00	179,655 00
1308-21 State teachers' college at Fitchburg, boarding hall, including not more than nine permanent positions . . .	33,000 00	33,500 00
1308-31 For certain improvements to the athletic field at the state teachers' college at Fitchburg . . .	1,500 00	-
1308-32 For renovation of electric wiring in Palmer Hall at the state teachers' college at Fitchburg . . .	-	2,500 00
1309-00 State teachers' college at Framingham, including not more than sixty-one permanent positions .	155,670 00	156,500 00
1309-21 State teachers' college at Framingham, boarding hall, including not more than twenty-five permanent positions . . .	47,500 00	48,000 00
1310-00 State teachers' college at Hyannis, including not more than twenty-nine permanent positions . . .	72,110 00	72,310 00
1310-21 State teachers' college at Hyannis, boarding hall, including not more than five permanent positions .	23,000 00	23,000 00
1310-33 For certain electrical work in dormitories at the state teachers' college at Hyannis . . .	2,500 00	-
1311-00 State teachers' college at Lowell, including not more than forty permanent positions . . .	78,289 00	78,139 00
1312-00 State teachers' college at North Adams, including not more than twenty-nine permanent positions .	65,490 00	65,820 00
1312-21 State teachers' college at North Adams, boarding hall, including not more than six permanent positions . . .	10,000 00	10,000 00
1313-00 State teachers' college at Salem, including not more than fifty-one permanent positions . . .	121,300 00	124,670 00
1313-31 (This item omitted.)		
1313-32 (This item omitted.)		
1313-33 For the cost of replacing toilets in the Horace Mann training school at the state teachers' college at Salem . . .	-	2,500 00
1313-34 (This item omitted.)		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1314-00	State teachers' college at Westfield, including not more than thirty-five permanent positions . . .	\$55,000 00	-
1314-21	State teachers' college at Westfield, boarding hall, including not more than one permanent position . . .	1,200 00	-
1315-00	State teachers' college at Worcester, including not more than forty-four permanent positions . . .	94,825 00	\$95,590 00
1315-31	For the cost of exterior painting at the state teachers' college at Worcester . . .	600 00	-
1315-32	For the cost of painting and refinishing the interior of certain buildings at the state teachers' college at Worcester . . .	1,400 00	-
1321-00	Massachusetts School of Art, including not more than thirty-six permanent positions . . .	105,750 00	106,050 00
Totals		\$1,258,829 00	\$1,206,464 00
Textile Schools:			
1331-00	For the maintenance of the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees, including not more than twenty-three permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of Fall River as a part of the state tax for each of the years nineteen hundred and forty-one and nineteen hundred and forty-two . . .	\$65,050 00	\$67,105 00
1331-31	For the purchase and installation of equipment at the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees . . .	10,000 00	10,000 00
1331-32	(This item omitted.)		
1332-00	For the maintenance of the Lowell textile institute, with the approval of the commissioner of education and the trustees, including not more than sixty-one permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of Lowell as a part of the state tax for each of the years nineteen hundred and forty-one and nineteen hundred and forty-two . . .	188,050 00	192,310 00
1332-31	For the purchase and installation of equipment at the Lowell textile institute, with the approval of the commissioner of education and the trustees . . .	10,000 00	10,000 00
1333-00	For the maintenance of the New Bedford textile school, with the approval of the commissioner of		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	education and the trustees, including not more than twenty-four permanent positions, and including the sum of ten thousand dollars which is to be assessed upon the city of New Bedford as a part of the state tax for each of the years nineteen hundred and forty-one and nineteen hundred and forty-two . . .	\$69,995 00	\$70,390 00
1333-34	For the purchase and installation of equipment at the New Bedford textile school, with the approval of the commissioner of education and the trustees . . .	20,000 00	-
	Totals . . .	\$363,095 00	\$349,805 00
	Massachusetts State College:		
1341-00	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, including not more than four hundred and eighty-one permanent positions . . .	\$1,148,030 00	\$1,160,460 00
1341-77	For personal services for the maintenance of the boarding hall, including not more than thirty-five permanent positions . . .	39,300 00	40,000 00
1341-78	For other expenses of the maintenance of the boarding hall . . .	78,170 00	84,500 00
1341-81	For an emergency fund to meet the needs of harvesting big crops of the control service or other unforeseen conditions, which clearly indicate that additional revenue will be produced to equal the expenditure; provided, that these sums shall be available only after approval of particular projects covered by this item has been obtained from the governor and council . . .	2,000 00	2,000 00
1341-82	For aid to certain students, with the approval of the trustees . . .	5,000 00	5,000 00
1341-83	For the cost of field and laboratory work in connection with the Dutch elm disease and other shade tree diseases and insects . . .	5,000 00	5,000 00
1341-91	For repointing and repairing the exterior walls of South College administration building . . .	3,600 00	-
1341-92	For the annual cost of lease of dormitories, as authorized by chapter three hundred and eighty-eight of the acts of nineteen hundred and thirty-nine . . .	30,000 00	30,000 00
1341-93	For payment of annual charges for sewage service by the town of Amherst . . .	2,000 00	2,000 00
1341-94	For the construction of a poultry house and laboratory . . .	3,000 00	-
	Totals . . .	\$1,316,100 00	\$1,328,960 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Civil Service and Registration.</i>			
Administration:			
1401-01	For service of telephone tolls	\$220 00	-
Division of Civil Service:			
1402-01	For the salary of the director and for the compensation of mem- bers of the commission	\$12,500 00	\$12,500 00
1402-02	For other personal services of the division, including not more than ninety-nine permanent positions	165,959 00	171,141 34
1402-03	For other services and for printing the annual report, and for office supplies and equipment neces- sary for the administration of the civil service law	36,500 00	33,000 00
	Totals	\$214,959 00	\$216,641 34
Division of Registration:			
1403-01	For the salary of the director	\$2,400 00	\$2,400 00
1403-02	For clerical and certain other per- sonal services of the division, in- cluding not more than thirty- two permanent positions	59,000 00	61,200 00
1403-03	For services of the division other than personal, printing the an- nual reports, office supplies and equipment, except as otherwise provided	15,000 00	15,000 00
	Totals	\$76,400 00	\$78,600 00
Board of Registration in Medi- cine:			
1404-01	For personal services of the mem- bers of the board, including not more than seven permanent posi- tions	\$6,300 00	\$6,300 00
1404-03	For traveling expenses	500 00	500 00
	Totals	\$6,800 00	\$6,800 00
Board of Dental Examiners:			
1405-01	For personal services of the mem- bers of the board, including not more than five permanent posi- tions	\$3,800 00	\$3,800 00
1405-02	For traveling expenses	750 00	750 00
1405-03	For travel and other expenses necessary in providing for the enforcement of law relative to the registration of dentists	500 00	500 00
	Totals	\$5,050 00	\$5,050 00
Board of Registration in Chi- ropody:			
1406-01	For personal services of members of the board, including not more than five permanent positions	\$900 00	\$900 00
1406-02	For traveling expenses	275 00	275 00
	Totals	\$1,175 00	\$1,175 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Board of Registration in Pharmacy:		
1407-01	For personal services of the members of the board, including not more than five permanent positions	\$4,300 00	\$4,300 00
1407-02	For personal services of agent and investigators, including not more than one permanent position	8,040 00	8,040 00
1407-03	For traveling expenses	4,000 00	4,000 00
	Totals	\$16,340 00	\$16,340 00
	Board of Registration of Nurses:		
1408-01	For personal services of the members of the board, including not more than five permanent positions	\$2,100 00	\$2,100 00
1408-02	For traveling expenses	500 00	500 00
	Totals	\$2,600 00	\$2,600 00
	Board of Registration in Embalming and Funeral Directing:		
1409-01	For personal services of members of the board, including not more than three permanent positions	\$1,500 00	\$1,500 00
1409-02	For traveling expenses	2,000 00	2,000 00
1409-03	For the dissemination of useful knowledge among and for the benefit of licensed embalmers	100 00	100 00
	Totals	\$3,600 00	\$3,600 00
	Board of Registration in Optometry:		
1410-01	For personal services of members of the board, including not more than five permanent positions	\$1,900 00	\$1,900 00
1410-02	For traveling expenses	500 00	500 00
	Totals	\$2,400 00	\$2,400 00
	Board of Registration in Veterinary Medicine:		
1411-01	For personal services of members of the board, including not more than five permanent positions	\$600 00	\$600 00
1411-02	For other services, printing the annual report, traveling expenses, office supplies and equipment	275 00	275 00
	Totals	\$875 00	\$875 00
	Board of Registration of Public Accountants:		
1414-01	For personal services of members of the board, including not more than five permanent positions	\$675 00	\$675 00
1414-02	For expenses of examinations, including the preparation and marking of papers, and for other expenses	2,000 00	2,000 00
	Totals	\$2,675 00	\$2,675 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
State Examiners of Electricians:			
1416-01	For personal services of members of the board, including not more than two permanent positions .	\$1,000 00	\$1,000 00
1416-02	For traveling expenses . . .	3,950 00	3,950 00
	Totals	\$4,950 00	\$4,950 00
State Examiners of Plumbers:			
1417-01	For personal services of members of the board, including not more than three permanent positions .	\$1,100 00	\$1,100 00
1417-02	For traveling expenses . . .	1,250 00	1,250 00
	Totals	\$2,350 00	\$2,350 00
Board of Registration of Barbers:			
1420-01	For personal services of members of the board and assistants, including not more than eight permanent positions	\$16,670 00	\$16,700 00
1420-02	For travel and other necessary expenses, including rent . . .	5,000 00	5,000 00
	Totals	\$21,670 00	\$21,700 00
Board of Registration of Hair-dressers:			
1421-01	For personal services of members of the board and assistants, including not more than eighteen permanent positions	\$31,500 00	\$32,185 00
1421-02	For travel and other necessary expenses, including rent . . .	10,500 00	10,500 00
	Totals	\$42,000 00	\$42,685 00
<i>Service of the Department of Industrial Accidents.</i>			
1501-01	For personal services of members of the board, including not more than seven permanent positions	\$42,500 00	\$42,500 00
1501-02	For personal services of secretaries, inspectors, clerks and office assistants, including not more than eighty-seven permanent positions	147,075 00	149,280 00
1501-03	For traveling expenses	6,000 00	6,000 00
1501-04	For other services, printing the annual report, necessary office supplies and equipment . . .	14,000 00	14,000 00
1501-05	For expenses of impartial examinations, and for expenses of industrial disease referees, as authorized by section nine B of chapter one hundred and fifty-two of the General Laws, inserted by chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-five, and as amended	25,000 00	25,000 00
1501-06	(This item combined with item 1501-05.)		
	Totals	\$234,575 00	\$236,780 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Labor and Industries.</i>			
1601-01	For the salaries of the commissioner, assistant and associate commissioners, including not more than five permanent positions	\$23,500 00	\$23,500 00
1601-02	For clerical and other assistance to the commissioner, including not more than four permanent positions	8,310 00	8,790 00
1601-11	For personal services for the inspectional services, including not more than sixty-six permanent positions, and for traveling expenses of the commissioner, assistant commissioner, associate commissioners and inspectors of labor, and for services other than personal, printing the annual report, rent of district offices, and office supplies and equipment for the inspectional service	165,000 00	167,000 00
1601-21	For expenses of the temporary commission on apprentice training	1,000 00	-
1601-31	For personal services for the division of occupational hygiene, including not more than five permanent positions	13,260 00	13,790 00
1601-32	For services other than personal, traveling expenses, office and laboratory supplies and equipment, and rent, for the division of occupational hygiene	5,000 00	5,000 00
1601-41	For personal services for the statistical service, including not more than thirty-five permanent positions, and for services other than personal, printing report and publications, traveling expenses and office supplies and equipment for the statistical service	73,500 00	74,000 00
1601-51	For personal services for the division on necessities of life, including not more than five permanent positions	10,200 00	10,530 00
1601-52	For services other than personal, traveling expenses, office supplies and equipment for the division on necessities of life	1,100 00	1,100 00
1601-53	For personal services in administering the law relative to the advertising and sale of motor fuel at retail, including not more than twelve permanent positions, as authorized by chapter four hundred and fifty-nine of the acts of nineteen hundred and thirty-nine	19,320 00	21,540 00
1601-54	For other expenses in administering the law relative to the advertising and sale of motor fuel at retail, as authorized by said		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	chapter four hundred and fifty-nine	\$7,000 00	\$9,200 00
1601-61	For clerical and other assistance for the board of conciliation and arbitration, including not more than seven permanent positions	23,140 00	23,770 00
1601-62	For other services, printing, traveling expenses and office supplies and equipment for the board of conciliation and arbitration	3,500 00	3,500 00
1601-71	For personal services of investigators, clerks and stenographers for the minimum wage service, including not more than eighteen permanent positions	27,270 00	30,900 00
1601-72	For services other than personal, printing, traveling expenses and office supplies and equipment for minimum wage service	2,750 00	2,750 00
1601-73	For compensation and expenses of wage boards	1,750 00	1,750 00
1601-81	For personal services for the division of standards, including not more than sixteen permanent positions	33,890 00	34,445 00
1601-82	For other services, printing, traveling expenses and office supplies and equipment for the division of standards	10,000 00	10,000 00
	Totals	\$429,490 00	\$441,565 00
	Massachusetts Development and Industrial Commission:		
1603-01	For personal services of employees, including not more than five permanent positions	\$13,900 00	\$15,560 00
1603-02	For administrative expenses, including office rent and other incidental expenses, and for the promotion and development of the industrial, agricultural and recreational resources of the commonwealth, and a sum not exceeding fifteen hundred dollars is hereby authorized to be expended out of the appropriation for 1941, and a sum not exceeding fifteen hundred dollars is hereby authorized to be expended out of the appropriation for 1942, for expenses in connection with a certain tuna fishing tournament	60,000 00	60,000 00
	Totals	\$73,900 00	\$75,560 00
	Labor Relations Commission:		
1604-01	For personal services of the commissioners and employees, including not more than twenty permanent positions	\$57,725 00	\$58,890 00
1604-02	For administrative expenses, including office rent	8,400 00	8,400 00
	Totals	\$66,125 00	\$67,290 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
Division of Unemployment Compensation:			
1607-01	For clerical and other personal services for the operation of free employment offices, including not more than fifty-two permanent positions, and for rent, necessary office supplies and equipment	\$100,718 13	\$97,610 00
1607-02	(This item combined with item 1607-01.)		
<i>Service of the Department of Mental Health.</i>			
1701-01	For the salary of the commissioner	\$10,000 00	\$10,000 00
1701-02	For personal services of officers and employees, including not more than eighty permanent positions	172,000 00	176,500 00
1701-03	For transportation and medical examination of state charges under its charge for the years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years . .	5,500 00	5,500 00
1701-04	For other services, including printing the annual report, traveling expenses, office supplies and equipment, and rent	40,500 00	40,500 00
1701-11	For the support of state charges in the Hospital Cottages for Children	26,000 00	26,000 00
Totals		\$254,000 00	\$258,500 00
Division of Mental Hygiene:			
1702-00	For expenses, including not more than fifty-eight permanent positions, of investigating the nature, causes and results of mental diseases and defects and the publication of the results thereof, and of what further preventive or other measures might be taken and what further expenditures for investigation might be made which would give promise of decreasing the number of persons afflicted with mental diseases or defects	\$112,000 00	\$114,000 00
Special:			
1702-21	For the cost of boarding certain feeble-minded persons in private homes	\$5,500 00	\$5,500 00
For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Health:			
1710-00	Boston psychopathic hospital, including not more than one hundred and fifty-six permanent positions	\$253,734 00	\$252,785 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1710-21	For the purchase and installation of certain x-ray and operating room equipment at the Boston psychopathic hospital . . .	\$6,750 00	-
1710-22	For the purchase and installation of certain kitchen equipment at the Boston psychopathic hospital . . .	2,000 00	-
1711-00	Boston state hospital, including not more than seven hundred and thirty-two permanent positions . . .	1,119,529 00	\$1,134,969 00
1711-25	For renewing and renovating certain plumbing and sanitary arrangements in buildings West A, B, H, I, J and East N, O at the Boston state hospital . . .	10,000 00	10,000 00
1711-26	(This item omitted.)		
1712-00	Danvers state hospital, including not more than five hundred and fifty-six permanent positions . . .	979,426 00	993,567 00
1712-21	(This item omitted.)		
1712-22	For the purchase and installation of certain x-ray equipment at the Danvers state hospital . . .	5,000 00	-
1712-23	(This item omitted.)		
1712-24	For fireproofing certain corridors at Middleton Colony of the Danvers state hospital . . .	6,580 00	-
1712-25	For certain fireproofing in the Gray Gables employees' house, so-called, at the Danvers state hospital . . .	5,185 00	-
1712-26	For fireproofing the main stairway of the front center building at the Danvers state hospital . . .	5,000 00	-
1713-00	Foxborough state hospital, including not more than three hundred and thirty-six permanent positions . . .	609,060 00	613,619 00
1713-21	For construction and reconstruction, including fire protection, of the "C" building at the Foxborough state hospital . . .	56,000 00	-
1713-22	For the purchase of a new flat work ironer and the repair of the present ironer at the Foxborough state hospital . . .	8,000 00	-
1713-23	For improvements to the sewage system at the Foxborough state hospital . . .	1,500 00	-
1713-26	(This item omitted.)		
1714-00	Gardner state hospital, including not more than three hundred and thirty-seven permanent positions . . .	625,473 00	638,087 00
1714-21	For improvements to the sewage system of the main group, so-called, at the Gardner state hospital . . .	21,000 00	-
1714-22	For improvements and additions to the water supply system at the Gardner state hospital . . .	-	35,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1715-00 Grafton state hospital, including not more than four hundred and sixty-four permanent positions	\$758,781 00	\$769,460 00
1715-26 For the acquisition of certain land for the Grafton state hospital, authority being hereby given to the department of mental health to take such land by eminent domain under chapter seventy-nine of the General Laws, or to acquire the same by purchase or otherwise	1,000 00	-
1715-27 For certain improvements to drainage of the sewer beds at the Grafton state hospital	5,000 00	-
1715-28 For certain additions to the present sewer lines at the Grafton state hospital	10,000 00	-
1715-29 (This item omitted.)		
1715-30 For certain improvements to the fire alarm system at the Grafton state hospital	2,000 00	-
1715-31 (This item omitted.)		
1716-00 Medfield state hospital, including not more than four hundred and eighty permanent positions	773,123 00	781,108 00
1716-22 For the purchase of beds for the Medfield state hospital	1,000 00	1,000 00
1716-23 For the renovation of toilets and baths at the Medfield state hospital	10,000 00	10,000 00
1716-24 For renovation and replacement of plumbing and equipment in the dishwashing room at the Medfield state hospital	10,000 00	-
1716-25 For certain changes in the sewer mains and surface drains at the Medfield state hospital	2,350 00	-
1716-27 For the installation of an elevator at the infirmary building at the Medfield state hospital	15,000 00	-
1716-28 (This item omitted.)		
1717-00 Metropolitan state hospital, including not more than four hundred and sixteen permanent positions	785,901 00	791,122 00
1718-00 Northampton state hospital, including not more than four hundred and eighty-one permanent positions	812,945 00	815,579 00
1718-25 For fireproofing lower Third Hall North, so-called, at the Northampton state hospital	15,000 00	-
1719-00 Taunton state hospital, including not more than four hundred and seventy-two permanent positions	734,161 00	744,611 00
1719-26 For certain rewiring at the Taunton state hospital	9,500 00	-
1719-27 (This item omitted.)		
1719-28 For the construction of a dairy barn, including equipment, and		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	for certain alterations to the present barns at the Taunton state hospital	\$25,000 00	-
1720-00	Westborough state hospital, including not more than four hundred and twenty-five permanent positions	716,175 00	\$716,649 00
1720-21	For the purchase and installation of a new boiler and certain repairs to the heating system at the Richmond Colony at the Westborough state hospital	8,000 00	-
1720-22	For the purchase and installation of certain x-ray equipment at the Westborough state hospital	5,500 00	-
1720-23	For alterations and additions to the male wards and female help section, so-called, including the purchase of certain furnishings, at the Westborough state hospital	-	70,000 00
1721-00	Worcester state hospital, including not more than six hundred and thirty-four permanent positions	1,081,359 00	1,094,149 00
1721-22	For the purchase and installation of certain laundry machinery at the Worcester state hospital	35,000 00	-
1721-23	For the purchase and installation of certain kitchen equipment at the Worcester state hospital	6,435 00	-
1721-25	For fireproofing the Washburn wards at the Worcester state hospital	32,000 00	-
1722-00	Monson state hospital, including not more than four hundred and fifteen permanent positions	723,142 00	731,091 00
1722-22	For certain renovations and improvements to the toilets and sewage disposal system at Farm Group No. 6, so-called, of the Monson state hospital	22,000 00	-
8309-02	(See item 1722-26.)		
1722-23	For additional fire protection at the Monson state hospital	17,500 00	-
1722-24	For renovation of plumbing at the Clough building at the Monson state hospital	5,000 00	-
1722-25	For renovation of plumbing at the women's ward building at the Monson state hospital	5,000 00	-
1722-26	For certain improvements and additions to the water supply system at the Monson state hospital	-	40,000 00
8309-03	(This item omitted.)		
1723-00	Belchertown state school, including not more than three hundred and two permanent positions	562,280 00	560,777 00
1724-00	Walter E. Fernald state school, including not more than four hundred and sixty-seven permanent positions	793,167 00	792,279 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1724-22 For the purchase and installation of certain bakery equipment and ovens at the Walter E. Fernald state school	-	\$40,000 00
1724-23 For the purchase and installation of certain x-ray equipment at the Walter E. Fernald state school	\$5,000 00	-
8309-04 (See item 1725-25.)		
1725-00 Wrentham state school, including not more than four hundred and eight permanent positions	703,084 00	696,302 00
1725-23 (This item omitted.)		
1725-24 (This item omitted.)		
1725-25 For improvements in the power plant at the Wrentham state school, to be in addition to any amount heretofore appropriated for the purpose	-	200,000 00
8309-05 (This item omitted.)		
8309-06 (Postponed pending further legislation.)		
Totals	\$12,405,640 00	\$12,532,154 00

Service of the Department of Correction.

1801-01 For the salary of the commissioner	\$6,000 00	\$6,000 00
1801-02 For personal services of deputies, members of the parole board and advisory board of pardons, agents, clerks and stenographers, including not more than fifty-nine permanent positions	134,660 00	135,770 00
1801-03 For services other than personal, including printing the annual report, necessary office supplies and equipment	8,200 00	8,200 00
1801-04 For traveling expenses of officers and employees of the department, when required to travel in the discharge of their duties	13,000 00	12,500 00
1801-05 For the removal of prisoners, to and from state institutions	6,750 00	7,000 00
1801-06 For assistance to discharged prisoners	600 00	600 00
1801-07 For the expense of the service of the central index	1,000 00	1,000 00
Totals	\$170,210 00	\$171,070 00

Division of Classification of Prisoners:

1801-08 For expenses of the division hereby authorized, including not more than eight permanent positions; provided, that the persons employed hereunder shall not be subject to civil service laws or the rules and regulations made thereunder	\$24,530 00	\$24,530 00
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:		
1802-00	State farm, including not more than three hundred and seventy-eight permanent positions .	\$810,090 00	\$813,090 00
1802-21	For preliminary work in connection with the improvement of the water supply system at the state farm .	3,000 00	-
1802-22	For certain improvements to the power plant at the state farm .	8,000 00	-
1803-00	State prison, including not more than one hundred and forty permanent positions .	475,550 00	472,750 00
1803-21	For certain improvements to the power plant and to the heating and electrical systems at the state prison, including the purchase and installation of equipment and building repairs in connection therewith .	-	65,000 00
1805-00	Massachusetts reformatory, including not more than one hundred and sixty-three permanent positions .	563,680 00	560,660 00
1805-21	For improvements to the piggery at the Massachusetts reformatory .	1,500 00	-
1805-22	For certain improvements to the dining room facilities at the Massachusetts reformatory .	19,000 00	-
1805-23	For reconstruction of certain skylights at the Massachusetts reformatory .	6,000 00	-
1805-24	For the purchase and installation of boilers and certain other equipment in the power plant at the Massachusetts reformatory .	18,000 00	-
1806-00	Reformatory for women, including not more than one hundred and three permanent positions .	256,100 00	257,320 00
1806-23	For continuing the work of pointing and improving the walls and masonry of buildings at the reformatory for women .	10,000 00	-
1806-24	For painting the buildings at the reformatory for women .	5,000 00	5,000 00
1806-25	For certain improvements to the power plant and to the heating and electrical systems at the reformatory for women, including the purchase and installation of equipment .	-	48,500 00
1807-00	State prison colony, including not more than one hundred and seventy-five permanent positions .	509,250 00	514,250 00
1807-21	(This item omitted.)		
	Totals	\$2,685,170 00	\$2,736,570 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Public Welfare.</i>			
Administration:			
1901-01	For the salary of the commissioner	\$7,000 00	\$7,000 00
1901-02	For personal services of officers and employees, including not more than thirty-one permanent positions	57,580 00	58,090 00
1901-03	For services other than personal, printing the annual report, traveling expenses, including expenses of auxiliary visitors, office supplies and expenses	4,700 00	4,700 00
	Totals	\$69,280 00	\$69,790 00
Civilian Conservation Corps:			
1901-08	For personal services, including clerical assistance, in the office of the state selecting agent for the civilian conservation corps, and including no permanent positions	\$5,600 00	\$5,600 00
1901-09	For services other than personal, including travel, office supplies and equipment	2,900 00	2,900 00
	Totals	\$8,500 00	\$8,500 00
State Board of Housing:			
1902-01	For personal services, including not more than nine permanent positions	\$18,450 00	\$19,110 00
1902-02	For expenses, as authorized by section eighteen of chapter eighteen of the General Laws, inserted by section one of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-three, as amended	7,000 00	7,000 00
	Totals	\$25,450 00	\$26,110 00
Division of Aid and Relief:			
1904-01	For personal services of officers and employees, including not more than one hundred and thirty-nine permanent positions; provided, that each of the persons employed on the effective date of this act, as authorized under Item I of section two of chapter sixty-nine of the acts of nineteen hundred and thirty-two, may continue to serve temporarily in his position pending the determination of the results of a qualifying examination which shall be held by the division of civil service, and, upon passing such examination shall be entitled to one of said permanent positions	\$238,970 00	\$253,290 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1904-02	For services other than personal, including traveling expenses and office supplies and equipment .	\$22,500 00	\$22,000 00
	Totals	\$261,470 00	\$275,290 00
	Division of Child Guardianship:		
1906-01	For personal services of officers and employees, including not more than one hundred and twenty-six permanent positions .	\$235,800 00	\$245,010 00
1906-02	For services other than personal, office supplies and equipment .	5,500 00	5,500 00
1906-03	For the care and maintenance of children, including not more than two permanent positions, a sum not exceeding one million seven hundred and four thousand dollars for the fiscal year nineteen hundred and forty-one and the previous year, and a sum not exceeding one million six hundred and sixty-five thousand dollars for the fiscal year nineteen hundred and forty-two	1,704,000 00	1,665,000 00
	Totals	\$1,945,300 00	\$1,915,510 00
	Tuition of children:		
1907-01	For tuition in the public schools, including transportation to and from school, of children boarded by the department, a sum not exceeding four hundred and thirteen thousand dollars for the fiscal year nineteen hundred and forty-one and the previous year, and a sum not exceeding three hundred and seventy-five thousand dollars for the fiscal year nineteen hundred and forty-two	\$413,000 00	\$375,000 00
	Instruction in public schools:		
1907-03	For reimbursement of cities and towns for tuition of children attending the public schools .	\$7,500 00	\$7,500 00
	Old Age Assistance:		
1907-04	For reimbursement of cities and towns for old age assistance for the years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years, to be in addition to other state revenue specified by law for said purpose	\$3,600,000 00	\$4,250,000 00

The following items are for reimbursement of cities and towns for expenses of the years nineteen hundred and forty-one and nineteen hundred and

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	forty-two and of previous years, and are to be in addition to any unexpended balances of appropriations heretofore made for the purpose:		
1907-05	For the payment of suitable aid to certain dependent children	\$2,500,000 00	\$2,935,000 00
1907-07	For the burial by cities and towns of indigent persons who have no legal settlement	16,000 00	17,500 00
1907-08	For expenses in connection with smallpox and other diseases dangerous to the public health	70,000 00	135,000 00
1907-09	For the support of sick indigent persons who have no legal settlement	330,000 00	345,000 00
1907-10	For temporary aid given to indigent persons with no legal settlement, and to shipwrecked seamen by cities and towns, and for the transportation of indigent persons under the charge of the department	5,700,000 00	4,000,000 00
	Totals	\$8,616,000 00	\$7,432,500 00
	Division of Juvenile Training, Trustees of Massachusetts Training Schools:		
1908-01	For services of the secretary and certain other persons employed in the executive office, including not more than nine permanent positions	\$16,180 00	\$16,840 00
1908-02	For services other than personal, including printing the annual report, traveling and other expenses of the members of the board and employees, office supplies and equipment	2,200 00	2,200 00
	Boys' Parole:		
1908-11	For personal services of agents in the division for boys paroled and boarded in families, including not more than twenty-two permanent positions	47,925 00	48,320 00
1908-12	For services other than personal, including traveling expenses of the agents and boys, and necessary office supplies and equipment	19,000 00	19,000 00
1908-13	For board, clothing, medical and other expenses incidental to the care of boys	20,000 00	20,000 00
	Girls' Parole:		
1908-31	For personal services of agents in the division for girls paroled from the industrial school for girls, including not more than eighteen permanent positions	34,700 00	35,695 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1908-32 For traveling expenses of said agents for girls paroled, for board, medical and other care of girls, and for services other than personal, office supplies and equipment	\$18,000 00	\$18,000 00
Totals	\$158,005 00	\$160,055 00
For the maintenance of and for certain improvements at the institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, as follows:		
1915-00 Industrial school for boys, including not more than one hundred permanent positions	\$193,500 00	\$197,300 00
1916-00 Industrial school for girls, including not more than eighty-nine permanent positions	149,200 00	150,200 00
1916-21 (This item omitted.)		
1917-00 Lyman school for boys, including not more than one hundred and thirty-nine permanent positions in the year nineteen hundred and forty-one and one hundred and thirty-eight permanent positions in the year nineteen hundred and forty-two	297,100 00	294,050 00
1917-21 For improvements to the power plant at the Lyman school for boys, including the purchase and installation of equipment	9,000 00	-
1917-22 For replacement and enlargement of the water mains at the Lyman school for boys	7,500 00	-
1917-23 For improvements to the sprinkler system in the school building at the Lyman school for boys, including the purchase and installation of equipment	1,200 00	-
Totals	\$657,500 00	\$641,550 00
Massachusetts Hospital School:		
1918-00 For the maintenance of the Massachusetts hospital school, including not more than one hundred and fifty-two permanent positions, to be expended with the approval of the trustees thereof	\$232,210 00	\$234,465 00
1918-21 For the construction of a cottage for patients, including furnishings	-	65,000 00
1918-22 For the purchase and installation of new boilers, including equipment and building alterations in connection therewith	-	25,000 00
Totals	\$232,210 00	\$324,465 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Tewksbury State Hospital and Infirmary:		
1919-00	For the maintenance of the Tewksbury state hospital and infirmary, including not more than six hundred and eighty-five permanent positions, to be expended with the approval of the trustees thereof	\$1,277,460 00	\$1,283,110 00
1919-21	For the purchase and installation of a new turbo-generator unit	-	35,475 00
1919-22	For improvements in the sewage disposal system	25,000 00	-
1919-24	(This item omitted.)		
	Totals	\$1,302,460 00	\$1,318,585 00

Service of the Department of Public Health.

	Administration:		
2001-01	For the salary of the commissioner	\$7,500 00	\$7,500 00
2001-02	For personal services of the health council and office assistants, including not more than twenty-one permanent positions	23,870 00	25,015 00
2001-03	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment	8,000 00	8,000 00
	Service of Adult Hygiene (cancer):		
2003-01	For personal services of the division, including not more than twenty-two permanent positions	41,920 00	42,450 00
2003-02	For other expenses of the division, including cancer clinics	47,500 00	47,500 00
	Service of Child and Maternal Hygiene:		
2004-01	For personal services of the director and assistants, including not more than thirty-one permanent positions	62,290 00	63,160 00
2004-02	For services other than personal, traveling expenses, office supplies and equipment	20,000 00	20,000 00
	Division of Communicable Diseases:		
2005-01	For personal services of the director, district health officers and their assistants, epidemiologists, bacteriologist and assistants in the diagnostic laboratory, including not more than thirty permanent positions	79,440 00	81,000 00
2005-02	For services other than personal, traveling expenses, laboratory, office and other necessary supplies, including the purchase of animals and equipment, and rent of certain offices	13,000 00	13,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Venereal Diseases:		
2006-01	For personal services for the control of venereal diseases, including not more than eight permanent positions	\$17,910 00	\$18,390 00
2006-02	For services other than personal, traveling expenses, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	235,000 00	235,000 00
	Wassermann Laboratory:		
2007-01	For personal services of the Wassermann laboratory, including not more than fifteen permanent positions	20,050 00	21,280 00
2007-02	For expenses of the Wassermann laboratory	6,000 00	6,000 00
	Antitoxin and Vaccine Laboratories:		
2007-07	For personal services in the investigation and production of antitoxin and vaccine lymph and other specific material for protective inoculation and diagnosis of treatment, including not more than forty-seven permanent positions	79,500 00	81,360 00
2007-08	For other services, supplies, materials and equipment necessary for the production of antitoxin and other materials as enumerated above, and for rent	36,700 00	36,700 00
	Inspection of Food and Drugs:		
2012-01	For personal services of the director, analysts, inspectors and other assistants, including not more than thirty permanent positions	65,000 00	65,340 00
2012-02	For other services, including traveling expenses, supplies, materials and equipment	11,000 00	10,000 00
	Shellfish Enforcement Law:		
2013-01	For personal services for administering the law relative to shellfish, including not more than one permanent position	2,400 00	2,400 00
2013-02	For other expenses for administering the law relative to shellfish	500 00	500 00
	Water Supply and Disposal of Sewage:		
2015-01	For personal services of directors, engineers, chemists, clerks and other assistants in the division of engineering and the division of laboratories, including not more than fifty permanent positions	133,475 00	133,410 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2015-02	For other services, including traveling expenses, supplies, materials and equipment, for the division of engineering and the division of laboratories .	\$23,000 00	\$23,000 00
	Totals	\$934,055 00	\$941,005 00
	Division of Tuberculosis:		
2020-01	For personal services of the director, stenographers, clerks and other assistants, including not more than nineteen permanent positions	\$42,920 00	\$43,370 00
2020-02	For services other than personal, including printing the annual report, traveling expenses and office supplies and equipment .	3,500 00	3,500 00
2020-03	For expenses of hospitalization of certain patients suffering from chronic rheumatism, as authorized by section one hundred and sixteen A of chapter one hundred and eleven of the General Laws, inserted by chapter three hundred and ninety-three of the acts of nineteen hundred and thirty-seven, to be in addition to any amount heretofore appropriated for the purpose .	36,000 00	36,000 00
2020-11	To cover the payment of certain subsidies for the maintenance of hospitals for tubercular patients .	494,745 54	495,000 00
2020-21	For personal services for certain children's clinics for tuberculosis, including not more than seventeen permanent positions .	37,400 00	38,130 00
2020-22	For other services for certain children's clinics for tuberculosis .	12,500 00	12,500 00
	Totals	\$627,065 54	\$628,500 00
	For the maintenance of and for certain improvements at the sanatoria, as follows:		
2022-00	Lakeville state sanatorium, including not more than two hundred and twenty-five permanent positions	\$335,800 00	\$340,300 00
2022-21	For certain fire protection and sprinklers at the Lakeville state sanatorium	5,840 00	-
2022-22	For certain improvements in the water supply system at the Lakeville state sanatorium .	1,725 00	1,200 00
2022-23	For construction of a physiotherapy unit, including the purchase and installation of certain equipment, at the Lakeville state sanatorium	9,000 00	-
2023-00	North Reading state sanatorium, including not more than one hundred and eighty-five permanent positions	275,050 00	278,950 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2023-21	(This item omitted.)		
2023-22	For the purchase and installation of certain additional sprinkler equipment at the North Reading state sanatorium	\$2,200 00	-
2023-23	For the purchase and installation of certain fire protection equipment at the North Reading state sanatorium	1,375 00	-
2024-00	Rutland state sanatorium, including not more than two hundred and thirty-five permanent positions	365,350 00	\$372,200 00
2024-21	For improvements in the sewage disposal system at the Rutland state sanatorium	3,200 00	-
2024-22	For the purchase and installation of certain fire protection equipment at the Rutland state sanatorium	2,700 00	-
2025-00	Westfield state sanatorium, including not more than two hundred and ninety-one permanent positions	437,740 00	438,440 00
2025-21	For the purchase and installation of certain fire protection equipment at the Westfield state sanatorium	2,000 00	-
	Totals	\$1,441,980 00	\$1,431,090 00
	Pondville Hospital:		
2031-00	For maintenance of the Pondville hospital, including care of radium, and including not more than two hundred and thirty-six permanent positions	\$361,600 00	\$376,300 00
2031-21	For improvements in the system of water supply	700 00	600 00
8310-01	(Postponed pending further legislation.)		
2031-22	For rebuilding and resurfacing certain roads	3,000 00	-
2031-23	For the purchase and installation of certain additional sprinkler equipment	1,200 00	-
2031-24	For the purchase and installation of certain fire protection equipment	2,650 00	-
2031-25	(This item omitted.)		
	Totals	\$369,150 00	\$376,900 00
	<i>Service of the Department of Public Safety.</i>		
	Administration:		
2101-01	For the salary of the commissioner	\$6,000 00	\$6,000 00
2101-02	For personal services of clerks and stenographers, including not more than sixty-seven permanent positions	102,500 00	103,174 00
2101-03	For contingent expenses, including printing the annual report, rent		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	of district offices, supplies and equipment, and all other things necessary for the investigation of fires and motion picture licenses, as required by law, and for expenses of administering the law regulating the sale and resale of tickets to theatres and other places of public amusement by the department of public safety	\$61,000 00	\$58,000 00
	Totals	\$169,500 00	\$167,174 00
	Division of State Police:		
2102-01	For the salaries of officers and detectives, including not more than three hundred and eighteen permanent positions partly chargeable to item 2970-04, and for the salary of one permanent state police crime prevention and juvenile delinquency investigator	\$249,490 00	\$254,368 00
2102-02	For personal services of civilian employees, including not more than one hundred and six permanent positions	121,000 00	122,500 00
2102-03	For other necessary expenses of the uniformed division, including traveling expenses of detectives, and the expenses of a state police training school for forty men in the fiscal year nineteen hundred and forty-one to be in addition to the amounts appropriated in item 2970-05	212,500 00	207,500 00
2102-04	For expert assistance to the commissioner and for maintenance of laboratories, including not more than four permanent positions	14,540 00	14,660 00
	Totals	\$597,530 00	\$599,028 00
	Claim:		
2102-05	For payment of certain judgments for damages, with the approval of the attorney general, in connection with an accident, which occurred on October twelfth, nineteen hundred and thirty-seven, involving a state-owned motor vehicle	\$5,398 40	-
	Fire Prevention Service:		
2103-01	For the salary of the state fire marshal	\$4,000 00	\$4,000 00
2103-02	For personal services of fire and other inspectors, including not more than nineteen permanent positions	47,730 00	53,700 00
2103-03	For other services, office rent and necessary office supplies and equipment	3,000 00	2,700 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2103-04	For traveling expenses of fire and other inspectors	\$9,700 00	\$9,700 00
	Totals	\$64,430 00	\$70,100 00
	Division of Inspection:		
2104-01	For the salary of the chief of inspections	\$4,000 00	\$4,000 00
2104-02	For services, supplies and equipment necessary for investigations and inspections by the division	550 00	550 00
2104-11	For the salaries of officers for the building inspection service, including not more than twenty-one permanent positions	52,910 00	54,960 00
2104-12	For traveling expenses of officers for the building inspection service	9,500 00	9,500 00
2104-21	For the salaries of officers for the boiler inspection service, including not more than twenty-six permanent positions	68,640 00	68,640 00
2104-22	For traveling expenses of officers for the boiler inspection service	10,700 00	10,700 00
	Totals	\$146,300 00	\$148,350 00
	Board of Boiler Rules:		
2104-31	For personal services of members of the board, including not more than four permanent positions	\$1,000 00	\$1,000 00
2104-32	For services other than personal and the necessary traveling expenses of the board	1,700 00	300 00
	Totals	\$2,700 00	\$1,300 00
	State Boxing Commission:		
2105-01	For compensation and clerical assistance for the state boxing commission, including not more than five permanent positions	\$10,440 00	\$10,560 00
2105-02	For other expenses of the commission	6,750 00	6,750 00
	Totals	\$17,190 00	\$17,310 00
	<i>Service of the Department of Public Works.</i>		
2201-01	For administering the law relative to advertising signs near highways, including not more than six permanent positions	\$21,350 00	\$21,350 00
	Functions of the department relating to waterways and public lands:		
2202-01	For personal services of the director, chief engineer and assistants, including not more than sixty-two permanent positions	\$61,000 00	\$61,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2202-02	For services other than personal, including printing pamphlet of laws and the annual report, and for necessary office and engineering supplies and equipment . . .	\$1,600 00	\$1,600 00
2202-03	For the care and maintenance of the province lands and of the lands acquired and structures erected by the Provincetown tercentenary commission, including not more than one permanent position . . .	7,000 00	7,000 00
2202-04	For the compensation of dumping inspectors . . .	300 00	300 00
2202-06	For the maintenance and repair of certain property in the town of Plymouth . . .	3,500 00	3,500 00
2202-07	For the operation and maintenance of the New Bedford state pier, including not more than three permanent positions . . .	18,000 00	24,000 00
2202-08	For the operation and maintenance of the Cape Cod Canal pier, including not more than one permanent position . . .	4,800 00	4,800 00
2202-09	For the maintenance of structures, and for repairing damages along the coast line or river banks of the commonwealth, and for the removal of wrecks and other obstructions from tide waters and great ponds . . .	17,000 00	17,000 00
2202-11	For the improvement, development, maintenance and protection of rivers and harbors, tide waters and foreshores within the commonwealth, as authorized by section eleven of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof, and of great ponds, and any unexpended balance of the appropriation remaining at the end of either of the years nineteen hundred and forty-one and nineteen hundred and forty-two may be expended in the succeeding year for the same purposes; provided, that all expenditures shall be upon condition that at least fifty per cent of the cost is covered by contributions from municipalities or other organizations and individuals, except that in the case of dredging channels for harbor improvements at least twenty-five per cent of the cost shall be so covered . . .	100,000 00	100,000 00
2202-12	For re-establishing and permanently marking certain triangulation points and stations, as required by order of the land court		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	in accordance with section thirty-three of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof	\$800 00	\$800 00
2202-13	For expenses of surveying certain town boundaries, by the department of public works	300 00	300 00
	Totals	\$214,300 00	\$220,300 00

The unexpended balance of the appropriation made by item 638 of section two of chapter two hundred and forty-five of the acts of nineteen hundred and thirty-one, as most recently re-appropriated by chapter three hundred and nine of the acts of nineteen hundred and thirty-nine, for certain work in the Taunton river authorized by chapter four hundred and five of the acts of nineteen hundred and thirty, is hereby again re-appropriated.

The appropriation made by item 624a of section two of chapter five hundred and eighteen of the acts of nineteen hundred and thirty-nine for certain improvements in Menemsha Creek in the towns of Chilmark and Gay Head, as authorized by and subject to the conditions of chapter seventy of the resolves of nineteen hundred and thirty-nine, is hereby re-appropriated.

Service of the Department of Public Utilities.

2301-01	For personal services of the commissioners, including not more than five permanent positions	\$36,000 00	\$36,000 00
2301-02	For personal services of secretaries, employees of the accounting division, engineering division, and rate and tariff division, including not more than sixteen permanent positions	51,720 00	53,980 00
2301-03	For personal services of the inspection division, including not more than twenty permanent positions	51,900 00	53,370 00
2301-04	For personal services of clerks, messengers and office assistants, including not more than ten permanent positions	16,835 00	17,160 00
2301-05	For personal services of the telephone and telegraph division, including not more than seven permanent positions	19,260 00	19,260 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2301-06	For traveling expenses of the commissioners and employees	\$3,800 00	\$4,000 00
2301-07	For other services, including printing the annual report and necessary office supplies and equipment	9,000 00	8,500 00
2301-08	For stenographic reports of evidence at inquests held in cases of death by accident on or about railroads	200 00	200 00
	Totals	\$188,715 00	\$192,470 00
	Special Investigations:		
2301-09	For personal services and expenses of special investigations, including legal assistants and stenographic services as needed; provided, that a sum not exceeding \$20,000 shall be expended in each of the fiscal years 1941 and 1942 for an investigation of the New York, New Haven and Hartford Railroad Company	\$27,000 00	\$27,000 00
	Investigation of Gas and Electric Light Meters:		
2302-01	For personal services of the division of inspection of gas and gas meters, including not more than twelve permanent positions	\$26,520 00	\$27,840 00
2302-02	For expenses of the division of inspection of gas and gas meters, including traveling and other necessary expenses of inspection	4,500 00	4,500 00
2302-03	For the examination and tests of electric meters	100 00	100 00
	Totals	\$31,120 00	\$32,440 00
	Commercial Motor Vehicle Division:		
2304-01	For personal services of the director and assistants, including not more than thirty-two permanent positions	\$39,840 00	\$59,990 00
2304-02	For other services, necessary office supplies and equipment, and for rent	17,000 00	20,500 00
	Totals	\$56,840 00	\$80,490 00
	Sale of Securities:		
2308-01	For personal services in administering the law relative to the sale of securities, including not more than twelve permanent positions	\$25,300 00	\$28,320 00
2308-02	For expenses other than personal in administering the law relative to the sale of securities	2,500 00	2,500 00
	Totals	\$27,800 00	\$30,820 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Interest on the Public Debt.</i>		
2410-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amounts appropriated in item 2951-00	
	\$154,938 25	\$132,550 75
<i>Requirements for Extinguishing the State Debt.</i>		
2420-00	For sinking fund requirements and for certain serial bonds maturing during the years nineteen hundred and forty-one and nineteen hundred and forty-two, to be in addition to the amounts appropriated in item 2952-00 . .	
	\$1,523,000 00	\$972,000 00
<i>Bunker Hill Monument.</i>		
2801-00	For the maintenance of Bunker Hill monument and the property adjacent, to be expended by the metropolitan district commission	
	\$12,100 00	\$12,100 00
<i>Unclassified Accounts and Claims.</i>		
2805-01	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves . .	
	\$8,106 00	\$6,411 00
2805-02	For payment of any claims, as authorized by section eighty-nine of chapter thirty-two of the General Laws, as amended, for allowances to the families of members of the department of public safety doing police duty killed or fatally injured in the discharge of their duties . .	
	10,500 00	10,500 00
2811-01	For the compensation of veterans of the civil war formerly in the service of the commonwealth, now retired	
	990 00	990 00
2811-02	For the compensation of veterans who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition thereof	
	120,000 00	133,000 00
2811-03	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired . .	
	62,000 00	62,000 00
2811-04	For the compensation of state police officers formerly in the service of the commonwealth, now retired	
	7,500 00	7,500 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2811-05	For the compensation of certain women formerly employed in cleaning the state house, now retired	\$600 00	\$600 00
2820-02	For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the treasury in previous years .	1,000 00	1,000 00
2820-03	For the payment of a certain claim of the heirs of Anne McCann, as authorized by chapter thirty-nine of the resolves of nineteen hundred and thirty-seven, to be expended under the provisions of said chapter and subject to the provisions of item 738 of chapter four hundred and forty-five of the acts of nineteen hundred and thirty-seven	1,325 11	-
2820-04	For the compensation of certain public employees for injuries sustained in the course of their employment, for the years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years, as provided by section sixty-nine of chapter one hundred and fifty-two of the General Laws, as amended, to be in addition to any amounts heretofore appropriated for the purpose, and in addition to the amounts appropriated by item 2970-07	55,000 00	55,000 00
2820-06	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth	5,000 00	5,000 00
	Totals	\$272,021 11	\$282,001 00

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Service of the Legislative Department.

For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches	\$1,830 48	-
For stationery for the house of representatives, purchased by		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
and with the approval of the clerk	\$108 40.	-
For an investigation relative to the adoption of wage and hour standards, as authorized by chapter fifty-two of the resolves of nineteen hundred and thirty-nine	107 98	-

Service of the Judicial Department.

Superior Court:		
For traveling allowances and expenses	956 66	-
Justices of District Courts:		
For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court	833 91	-
Judicial Council:		
For expenses of the Judicial council, as authorized by section thirty-four C of chapter two hundred and twenty-one of the General Laws, as appearing in the Tercentenary Edition thereof	213 08	-

Service of the State Racing Commission.

For other administrative expenses, including rent of offices, travel, and office and incidental expenses	700 00	-
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For Expenses on Account of Wars.

For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts soldiers and their families, to be paid on or before the fifteenth day of November in the years nineteen hundred and thirty-nine and nineteen hundred and forty, in accordance with the provisions of existing laws relative to state and military aid	29,609 91	-
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Service of the Secretary of the Commonwealth.

For printing laws, etc.:		
For printing and binding public documents	100 00	-

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Corporations and Taxation.</i>		
Corporations and Tax Divisions:		
For expenses of the department for legal services, evidence and other information relative to domicile cases, to be in addition to any amount heretofore appropriated for the purpose	\$43 42	-
<i>Service of the Department of Education.</i>		
For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law	3,704 29	-
For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law	13,680 75	-
For the education of deaf and blind pupils of the commonwealth, as provided by section twenty-six of chapter sixty-nine of the General Laws, as amended	39,355 05	-
English-speaking Classes for Adults:		
For reimbursement of certain cities and towns	13,154 10	-
Newbury Street Building:		
For the maintenance and operation of the state building on Newbury Street, Boston	1,923 57	-
Massachusetts Nautical School:		
For personal services of the secretary and office assistants, including not more than two permanent positions	64 00	-
Totals	\$106,385 60	-

THE FOLLOWING APPROPRIATIONS ARE MADE FROM THE HIGHWAY FUND:

Service of the Department of Public Works.

Administration:		
2921-01	For the salaries of the commissioner and the associate commissioners, including not more than three permanent positions, partly chargeable to item 3131-01	\$14,625 00 \$14,625 00
2921-02	For personal services of clerks and assistants to the commissioner, including not more than four permanent positions, partly chargeable to item 3131-02	5,850 00 5,985 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2921-03	For traveling expenses of the commissioners, to be in addition to the amounts appropriated in item 3131-03	\$1,100 00	\$1,100 00
2921-04	For telephone service in the public works building, including not more than six permanent positions, partly chargeable to item 3131-04	19,500 00	19,500 00
	Totals	\$41,075 00	\$41,210 00
	Public Works Building:		
2922-01	For personal services for the maintenance and operation of the public works building, including not more than sixty-three permanent positions	\$81,960 00	\$82,260 00
2922-02	For the salaries of guards for the public works building, including expense of uniforms, and including not more than seventeen permanent positions	31,800 00	31,920 00
2922-03	For other expenses for the maintenance and operation of the public works building	51,000 00	51,000 00
	Totals	\$164,760 00	\$165,180 00
	Functions of the department relating to highways:		
2923-01	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, and including not more than fifty-one permanent positions	\$105,860 00	\$111,800 00
2923-02	For services other than personal, including printing pamphlet of laws and the annual report, and necessary office supplies and equipment, and for the expense of membership of the department in the American Association of State Highway Officials	15,000 00	15,000 00
2923-11	(This item omitted.)		
2923-12	For expenses of a topographical and geological survey and map, and for continuing the work in gauging the flow of water in the streams of the commonwealth, to be in addition to funds received from federal appropriations or private subscriptions, and to be in addition to any amount heretofore appropriated for the purpose	50,000 00	50,000 00
2923-14	For certain expenses in connection with a geodetic and coastal survey, the amounts to be expended in co-operation with any funds made available by the federal government for the same purpose	30,000 00	30,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2923-20	For the construction and repair of town and county ways, to be in addition to any amount heretofore appropriated for the purpose	-	\$3,000,000 00
2923-30	For aiding towns in the repair and improvement of public ways, to be in addition to any amount heretofore appropriated for the purpose	\$21,900 00	1,509,900 00
2923-40	For the maintenance and repair of state highways, including care of snow on highways and expenses of traffic signs and lights, for payment of damages caused by defects in state highways, with the approval of the attorney general, for care and repair of road-building machinery, and for the maintenance of a nursery for roadside planting, to be in addition to any amount heretofore appropriated for the purpose; provided, that the appropriation for nineteen hundred and forty-one shall include a sum not exceeding seventy-five hundred dollars to be used for the purchase of certain property in the city of Beverly	3,550,000 00	3,542,500 00
2923-60	For the purpose of enabling the department of public works to secure federal aid for the construction and reconstruction of highways, including bridges, to be in addition to any amount heretofore appropriated for the purpose	200,000 00	2,225,638 00
	Specials:		
2923-71	To provide for the state's share of the cost of a proposed program in co-operation with the Federal government for the improvement of national defense roads requested by officials of the United States army	850,000 00	-
2923-72	For stream clearance projects, as authorized by sections one to four, inclusive, of chapter five hundred and thirteen of the acts of nineteen hundred and thirty-nine	250,000 00	250,000 00
	Totals	\$5,072,760 00	\$10,734,838 00
	Registration of Motor Vehicles:		
2924-01	For personal services, including not more than six hundred and fifty-seven permanent positions	\$1,138,000 00	\$1,147,000 00
2924-02	For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	work incidental to the registration and licensing of owners and operators of motor vehicles . . .	\$454,000 00	\$454,000 00
2924-03	For printing and other expenses necessary in connection with publicity for certain safety work . . .	1,000 00	1,000 00
	Totals	\$1,593,000 00	\$1,602,000 00

Metropolitan District Commission.

The following items are to be paid with the approval of the metropolitan district commission:

2931-00	For maintenance of boulevards and parkways, including installation of traffic lights . . .	\$1,204,819 00	\$1,203,076 00
2932-00	For resurfacing of boulevards and parkways, to be in addition to any unexpended balance of the appropriation made for the purpose in the previous years . . .	210,000 00	208,000 00
2933-00	For expense of supplies and services necessary for procuring Works Progress Administration or other federal funds, to be in addition to any amount heretofore appropriated for the purpose	5,000 00	5,000 00
	Specials:		
2937-01	(This item included in item 2937-13.)		
2937-07	(This item included in item 2937-13.)		
2937-08	(This item included in item 2937-13.)		
2937-09	(This item included in item 2937-13.)		
2937-10	For the purchase and installation of certain traffic lights on Memorial Drive and Soldiers' Field Road, and approaches	6,000 00	-
2937-11	(This item omitted.)		
2937-12	(This item omitted.)		
2937-13	For the cost of certain repairs for shore protection at Winthrop, Lynn shore, Quincy shore, and Revere Beach	10,000 00	-
2937-14	For the state's share of the costs of a co-operative study by the Beach Erosion Board of the federal government of beach problems within the metropolitan district, including Winthrop, Quincy shore, Lynn shore, Revere beach, and Nantasket	5,000 00	-
2937-15	The expenditure of a sum not to exceed twelve thousand dollars, for the purchase and installation of certain two-way radio equipment for use by the police force of the metropolitan district commission within the metropolitan parks district, is hereby authorized to the extent recommended		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
in findings which shall be made prior to October first, nineteen hundred and forty-one, as a result of the survey to be conducted under item 0401-34, provided that such sum shall be taken from item 0401-24 or item 0401-33	—	—
Totals	\$1,440,819 00	\$1,416,076 00

Service of the Commission on Administration and Finance.

2940-01	For expenses incidental to the revision of the accounting systems in the department of public works and the metropolitan district commission, under the direction of the commission on administration and finance	\$25,000 00	—
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Service of Legislative Investigations.

2941-01	For travel and other expenses, during the present session, of the joint special committee on Highways and Motor Vehicles as authorized by an order adopted by the general court, the sum of seven hundred and fifty dollars	\$750 00	—
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Interest on the Public Debt.

2951-00	For the payment of interest on the direct debt of the commonwealth, to be in addition to the amounts appropriated in item 2410-00	\$228,026 67	\$167,845 00
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Requirements for Extinguishing the State Debt.

2952-00	For sinking fund requirements and for certain serial bonds maturing during the years nineteen hundred and forty-one and nineteen hundred and forty-two, to be in addition to the amounts appropriated in item 2420-00	\$5,677,767 50	\$4,251,267 50
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Sumner Tunnel.

2960-02	For reimbursement, in part, of the city of Boston for expenses incurred by said city in the operation and maintenance of the Sumner Tunnel therein, as authorized by chapter twenty of the resolves of the current year	\$100,000 00	\$100,000 00
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Treasurer and Receiver-General.</i>			
State Board of Retirement:			
2970-01	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, to be in addition to the amounts appropriated in item 0604-03 . . .	\$36,000 00	\$36,000 00
<i>Service of the Department of Banking and Insurance.</i>			
Division of Insurance:			
2970-02	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, to be in addition to the amounts appropriated in item 1103-02 . . .	\$70,000 00	\$70,000 00
2970-08	For expenses of receivership of the Canton Mutual Liability Insurance Company, provided, that the total expense of the division of insurance due to the receivership shall be allowed as a cost of liquidation, and that the commonwealth shall be reimbursed for the amount certified by the commissioner of insurance as said cost . . .	5,200 00	5,200 00
Totals		\$75,200 00	\$75,200 00
<i>Service of the Department of Corporations and Taxation.</i>			
Corporations and Tax Divisions:			
2970-03	To cover the estimated cost of collection of the gasoline tax, so-called, and to be in addition to the amounts appropriated in item 1201-02	\$50,000 00	\$50,000 00
<i>Service of the Department of Public Safety.</i>			
Division of State Police:			
2970-04	For the salaries of officers and detectives, to be in addition to the amounts appropriated in item 2102-01	\$374,235 00	\$381,552 00
2970-05	For other necessary expenses of the uniformed division, including traveling expenses of detectives and the expenses of a state police training school for forty men in the fiscal year nineteen hundred and forty-one to be in addition to the amounts appropriated in item 2102-03	212,500 00	207,500 00
Totals		\$586,735 00	\$589,052 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Unclassified Accounts and Claims.</i>			
2970-07	For the compensation of certain public employees for injuries sustained in the course of their employment, for the years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years, as provided by section sixty-nine of chapter one hundred and fifty-two of the General Laws, as amended, to be in addition to any amounts heretofore appropriated for the purpose, and in addition to the amounts appropriated by item 2820-04	\$67,500 00	\$67,500 00

THE FOLLOWING APPROPRIATIONS ARE MADE FROM THE PORT OF BOSTON FUND:

Service of the Department of Public Works

Administration:

3131-01	For the salaries of the commissioner and the associate commissioners, to be in addition to the amounts appropriated in item 2921-01	\$4,875 00	\$4,875 00
3131-02	For personal services of clerks and assistants to the commissioner, to be in addition to the amounts appropriated in item 2921-02	1,950 00	1,995 00
3131-03	For traveling expenses of the commissioners, to be in addition to the amounts appropriated in item 2921-03	400 00	400 00
3131-04	For telephone service in the public works building, to be in addition to the amounts appropriated in item 2921-04	6,500 00	6,500 00
	Totals	\$13,725 00	\$13,770 00

Functions of the department relating to Port of Boston:

3132-01	(This item omitted.)		
3132-02	For the supervision and operation of commonwealth pier five, including not more than thirty-five permanent positions, and for the repair and replacement of equipment and other property	\$128,000 00	\$129,000 00
3132-04	For the construction of railroads and piers and for the development of certain land	4,000 00	4,000 00
3132-12	For the maintenance and improvement of commonwealth property under the control of the department in connection with its functions relating to waterways and public lands	90,000 00	90,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
3132-13 For dredging channels and filling flats, and for inspecting under water structures and for the removal of wrecks and other obstructions from tide water, to be in addition to any unexpended balance of the appropriation made for the purpose in the previous year	\$90,000 00	\$90,000 00
Totals	\$312,000 00	\$313,000 00

Boston Port Authority.

3134-01 For reimbursement of the city of Boston for a part of the cost of the Boston Port Authority, as authorized by chapter four hundred and fifty-three of the acts of nineteen hundred and thirty-eight	\$26,000 00	\$26,000 00
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THE FOLLOWING APPROPRIATIONS ARE PAYABLE FROM FEES COLLECTED UNDER SECTION 27 OF CHAPTER 138 OF THE GENERAL LAWS, AS AMENDED:

Service of Old Age Assistance Administration.

3621 For personal services required for the administration of old age assistance provided by chapter one hundred and eighteen A of the General Laws, as amended, including not more than fifty-five permanent positions	\$104,800 00	\$104,880 00
3622 For other expenses, including rent, travel, office supplies and other necessary expenses, required for the administration of old age assistance provided by said chapter one hundred and eighteen A, as amended	15,500 00	15,800 00
Totals	\$120,300 00	\$120,680 00

THE FOLLOWING APPROPRIATION IS PAYABLE FROM THE MOSQUITO CONTROL FUND:

State Reclamation Board.

3901 For the maintenance and construction of drainage ditches, as authorized by chapter three hundred and seventy-nine of the acts of nineteen hundred and thirty, as amended by section one of chapter two hundred and fifty of the acts of nineteen hundred and thirty-five, to be assessed upon certain towns as required by law and to be in addition to any amount heretofore appropriated for the purpose	\$35,304 68	\$35,304 68
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Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
THE FOLLOWING APPROPRIATIONS ARE PAYABLE FROM THE PARKS AND SALISBURY BEACH RESERVATION FUND:		

Division of Parks and Recreation.

4011	For personal services for certain administrative purposes and for certain consulting services, including not more than six permanent positions	\$24,394 00	\$24,964 00
4012	For travel and other administrative expenses, including supplies for reservation improvements	3,660 00	3,660 00
4013	For the development of recreational opportunities in state forests, including personal services and other expenses	29,700 00	29,700 00
4021	For the maintenance of the Standish monument reservation	3,500 00	2,000 00
Salisbury Beach Reservation:			
4031	For the maintenance of Salisbury beach reservation, including not more than one permanent position	17,000 00	17,000 00
4034	For expenses for improvement of Salisbury beach, either in the form of Works Projects Administration or other federal projects, or with the co-operation of the Civilian Conservation Corps, to be in addition to any amount heretofore appropriated for the purpose	15,000 00	15,000 00
Other Federal Projects:			
4035	For expenses of improvements in state parks, either in the form of Works Projects Administration or other federal projects, or with the co-operation of the Civilian Conservation Corps	7,000 00	7,000 00
4036	For expenses of improvements in state forests, either in the form of Works Projects Administration or other federal projects, or with the co-operation of the Civilian Conservation Corps	5,000 00	5,000 00
Totals		\$105,254 00	\$104,324 00

THE FOLLOWING APPROPRIATIONS ARE PAYABLE FROM THE SMOKE INSPECTION FUND:

Division of Smoke Inspection.

4311	For personal services, including not more than fourteen permanent positions	\$33,090 00	\$33,240 00
4312	For other services, printing the annual report, travel, and necessary office supplies and equipment	3,000 00	3,000 00
Totals		\$36,090 00	\$36,240 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
METROPOLITAN DISTRICT COMMISSION FUNDS.			
The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:			
8502-00	For services and expenses of the division of metropolitan planning, including not more than five permanent positions . . .	\$12,000 00	-
8602-00	For maintenance of parks reservations, including the purchase of land and the retirement of veterans under the provisions of the General Laws . . .	723,020 00	\$700,731 00
8602-21	For the expense of holding band concerts, to be assessed as part of the cost of maintenance of parks reservations . . .	15,000 00	15,000 00
8602-22	For expenses of supplies and services necessary for procuring Works Progress Administration or other federal funds, to be in addition to any amount heretofore appropriated for the purpose and to be assessed as part of the cost of maintenance of parks reservations . . .	5,000 00	5,000 00
8602-26	For a contribution towards the cost of esplanade concerts, so called, to be assessed as part of the cost of maintenance of parks reservations . . .	7,500 00	7,500 00
8602-27	For the cost of suppressing gypsy moths, including certain equipment, to be assessed as part of the cost of maintenance of parks reservations . . .	5,000 00	5,000 00
8602-28	For certain additional facilities at the Ponkapoag golf course, so called, to be assessed as part of the cost of maintenance of parks reservations . . .	10,000 00	-
8602-29	For certain expenses incidental to co-operation with the civilian conservation corps, to be assessed as part of the cost of maintenance of parks reservations . . .	1,500 00	-
8602-30	For the installation of a certain pile landing in the Charles river above the Harvard bridge, to be assessed as part of the cost of maintenance of parks reservations . . .	1,000 00	-
8602-31	(This item omitted.)		
8607-00	For maintenance of the Charles River basin, including retirement of veterans under the provisions of the General Laws . . .	166,115 00	159,635 00
8611-00	For maintenance of the Nantasket Beach reservation . . .	68,415 00	64,410 00
8611-21	(This item omitted.)		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
8611-22 For the cost of certain repairs for shore protection at the Nantasket Beach reservation . . .	\$1,000 00	-
8802-00 For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws .	428,530 00	\$431,323 00
8802-22 For improvements and alterations to the No. 2 pump, so-called, at the Deer Island pumping station, to be assessed as part of the cost of maintenance of the north metropolitan sewerage system .	17,000 00	-
8802-23 (This item omitted.)		
8807-00 For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws .	307,322 00	309,430 00
8807-23 For replacement of certain boilers at the Quincy pumping station, to be assessed as part of the cost of maintenance of the south metropolitan sewerage system .	16,000 00	-
8902-00 For the maintenance and operation of the metropolitan water system, including retirement of veterans under the provisions of the General Laws .	1,011,170 00	1,020,046 00
8901-02 (This item omitted.)		
8901-04 For the construction of additions and improvements to certain supply and distribution mains, as a part of the cost of maintenance of the metropolitan water system, to be in addition to any unexpended balance of an appropriation made for the purpose in the previous years .	200,000 00	200,000 00
8902-22 (This item omitted.)		
8902-23 For the installation of a force main from Spot Pond pumping station to Fells reservoir, to be assessed as a part of the cost of maintenance of the metropolitan water system . . .	80,000 00	-
8902-24 For payment to the commissioners of Worcester county of a certain assessment upon the former town of Dana, to be assessed as a part of the cost of maintenance of the metropolitan water system .	565 60	-
Totals	\$3,076,137 60	\$2,918,075 00
General Fund	\$60,651,458 14	\$59,607,206 59
Highway Fund	15,159,393 17	19,296,168 50
Port of Boston Fund	351,725 00	352,770 00
Old Age Assistance Fund, administration .	120,300 00	120,680 00
Special Assessment Funds	176,648 68	175,868 68
Metropolitan District Commission Funds	3,076,137 60	2,918,075 00

SECTION 3. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

SECTION 4. No person shall be reimbursed by the commonwealth for any expense incurred for a mid-day meal while traveling within the commonwealth at the expense thereof, nor shall any person be so reimbursed for the amount of any expense incurred for a breakfast while so traveling which is in excess of seventy-five cents or for the amount of any expense incurred for an evening meal while so traveling which is in excess of one dollar. Nothing herein contained shall apply to state employees who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing or to members of legislative committees or special commissions. No passenger automobile the price whereof, delivered, exceeds one thousand dollars shall be paid for out of funds appropriated by this act, except upon the written order of the commission on administration and finance. Nothing herein contained shall be construed as preventing a department from approving allowances for meals, not exceeding one dollar and seventy-five cents in any one day, for its employees stationed beyond commuting distance from their homes for a period of more than twenty-four hours.

SECTION 5. The allowance to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed four and one half cents a mile.

SECTION 6. The budget commissioner is hereby directed to send a copy of sections three, four and five of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 7. All money paid into the treasury of the commonwealth from federal subventions and grants may be expended without specific appropriation, if such expenditures are otherwise in accordance with law.

SECTION 8. The state treasurer is hereby authorized and directed to charge off from the accounts of deposits heretofore made with certain banks now closed the sum of two hundred thousand dollars in the year nineteen hundred and forty-one and the sum of one hundred thousand dollars in the year nineteen hundred and forty-two.

SECTION 9. This act shall take effect upon its passage.

On June 26, 1941, the House of Representatives, the branch in which the bill originated, received a message from the Governor stating under the provisions of Article LVI of the amendments to the constitution, his objections in writing to the following items therein:—

BARNSTABLE COUNTY — *Concluded.*

Provincetown	\$7,626 93
Sandwich	7,085 84
Truro	3,901 61
Wellfleet	4,785 30
Yarmouth	11,461 16
Total	\$187,353 35

BERKSHIRE COUNTY.

Adams	\$18,660 73
Alford	1,344 74
Becket	4,067 38
Cheshire	4,017 92
Clarksburg	2,123 18
Dalton	11,612 23
Egremont	3,123 18
Florida	4,156 87
Great Barrington	16,219 64
Hancock	2,072 64
Hinsdale	3,312 12
Lanesborough	4,284 76
Lee	9,999 57
Lenox	9,999 57
Monterey	3,656 33
Mount Washington	1,266 85
New Ashford	816 85
New Marlborough	6,117 92
North Adams	35,693 56
Otis	3,028 43
Peru	2,205 79
Pittsfield	95,637 98
Richmond	2,856 33
Sandisfield	5,067 38
Savoy	3,205 79
Sheffield	6,529 51
Stockbridge	8,159 55
Tyringham	1,872 64
Washington	2,905 79
West Stockbridge	3,756 87
Williamstown	14,040 13
Windsor	3,961 59
Total	\$295,773 82

BRISTOL COUNTY.

Acushnet	\$6,697 96
Attleboro	43,097 86
Berkley	3,612 12
Dartmouth	24,983 37
Dighton	7,192 17
Easton	10,927 47
Fairhaven	19,200 22
Fall River	170,074 68
Freetown	4,573 71
Mansfield	14,246 46
New Bedford	179,129 51
North Attleborough	19,321 78
Norton	6,941 63
Raynham	5,274 25
Rehoboth	9,630 58
Seekonk	10,694 31
Somerset	18,728 11

BRISTOL COUNTY — *Concluded.*

Swansea	\$9,682 19
Taunton	60,413 31
Westport	13,649 57
Total	<hr/> \$638,071 26

DUKES COUNTY.

Chilmark	\$1,678 43
Edgartown	7,926 39
Gay Head	516 84
Gosnold	1,612 12
Oak Bluffs	8,326 39
Tisbury	8,321 67
West Tisbury	1,806 33
Total	<hr/> \$30,188 17

ESSEX COUNTY.

Amesbury	\$18,381 76
Andover	30,433 48
Beverly	58,714 38
Boxford	4,606 87
Danvers	22,657 62
Essex	3,184 76
Georgetown	4,774 25
Gloucester	59,280 15
Groveland	3,990 56
Hamilton	9,143 78
Haverhill	80,354 62
Ipswich	13,112 23
Lawrence	146,160 73
Lynn	198,333 48
Lynnfield	7,526 39
Manchester	15,492 81
Marblehead	31,769 85
Merrimac	4,218 45
Methuen	35,787 23
Middleton	4,524 25
Nahant	8,499 57
Newbury	5,280 04
Newburyport	21,379 18
North Andover	15,847 00
Peabody	38,656 22
Rockport	9,372 21
Rowley	3,773 71
Salem	84,037 34
Salisbury	5,708 48
Saugus	25,265 56
Swampscott	34,127 25
Topsfield	6,041 63
Wenham	6,020 06
West Newbury	3,984 76
Total	<hr/> \$1,020,440 66

FRANKLIN COUNTY.

Ashfield	\$5,778 97
Bernardston	3,423 18
Buckland	6,252 68
Charlemont	3,784 23
Colrain	6,651 61

FRANKLIN COUNTY — *Concluded.*

Conway	\$5,112 12
Deerfield	9,887 45
Erving	4,013 20
Gill	3,212 12
Greenfield	45,300 00
Hawley	2,805 79
Heath	3,183 69
Leverett	2,700 54
Leyden	2,394 74
Monroe	2,323 18
Montague	21,598 61
New Salem	3,883 69
Northfield	6,235 30
Orange	11,371 67
Rowe	2,978 43
Shelburne	6,986 37
Shutesbury	2,333 69
Sunderland	3,567 92
Warwick	3,333 69
Wendell	2,844 74
Whately	4,045 82
Total	\$176,003 43

HAMPDEN COUNTY.

Agawam	\$15,914 38
Blandford	4,945 28
Brimfield	4,601 07
Chester	5,445 82
Chicopee	63,494 96
East Longmeadow	8,365 34
Granville	6,229 51
Hampden	3,212 12
Holland	2,044 74
Holyoke	118,131 44
Longmeadow	24,753 97
Ludlow	15,813 31
Monson	10,231 12
Montgomery	1,844 74
Palmer	19,296 46
Russell	5,475 32
Southwick	5,968 99
Springfield	372,691 45
Tolland	2,533 69
Wales	1,783 69
West Springfield	39,985 19
Westfield	36,637 23
Wilbraham	6,825 32
Total	\$776,225 14

HAMPSHIRE COUNTY.

Amherst	\$17,470 17
Belchertown	7,718 46
Chesterfield	3,750 54
Cummington	3,339 49
Easthampton	18,571 78
Enfield	—
Goshen	1,983 69
Granby	4,001 07
Greenwich	—
Hadley	7,169 53

HAMPSHIRE COUNTY — *Concluded.*

Hatfield	\$6,352 68
Huntington	3,690 02
Middlefield	2,583 69
Northampton	45,181 55
Pelham	1,978 43
Plainfield	2,894 74
Prescott	—
South Hadley	15,797 53
Southampton	4,312 12
Ware	13,445 39
Westhampton	3,011 59
Williamsburg	4,412 66
Worthington	4,467 38
Total	<hr/> \$172,132 51

MIDDLESEX COUNTY.

Acton	\$8,464 81
Arlington	86,105 80
Ashby	4,401 07
Ashland	5,902 68
Ayer	7,214 81
Bedford	5,535 84
Belmont	72,635 62
Billerica	16,936 48
Boxborough	1,772 64
Burlington	5,596 89
Cambridge	250,981 04
Carlisle	3,701 07
Chelmsford	18,152 25
Concord	19,922 32
Dracut	10,426 93
Dunstable	2,561 59
Everett	102,511 27
Framingham	54,132 73
Groton	10,054 29
Holliston	7,925 86
Hopkinton	8,331 12
Hudson	13,234 87
Lexington	35,038 31
Lincoln	7,197 96
Littleton	6,191 63
Lowell	148,021 78
Malden	107,891 85
Marlborough	27,899 25
Maynard	12,590 67
Medford	120,244 64
Melrose	57,519 64
Natick	33,208 26
Newton	229,502 80
North Reading	5,396 89
Pepperell	8,075 32
Reading	27,710 84
Sherborn	5,974 79
Shirley	5,768 99
Somerville	158,942 49
Stoneham	24,792 38
Stow	4,729 51
Sudbury	8,497 96
Tewksbury	9,632 19
Townsend	7,285 84
Tyngsborough	4,184 76

PLYMOUTH COUNTY — *Concluded.*

Kingston	\$8,165 34
Lakeville	4,373 71
Marion	8,176 93
Marshfield	14,723 82
Mattapoisett	6,253 22
Middleborough	20,814 91
Norwell	5,818 99
Pembroke	6,769 53
Plymouth	39,254 61
Plympton	2,617 38
Rochester	4,723 71
Rockland	14,730 69
Scituate	20,044 42
Wareham	23,801 82
West Bridgewater	6,892 17
Whitman	14,163 84
Total	\$431,373 91

SUFFOLK COUNTY.

Boston	\$2,007,371 40
Chelsea	67,310 30
Revere	57,725 97
Winthrop	35,695 17
Total	\$2,168,102 84

WORCESTER COUNTY.

Ashburnham	\$6,685 30
Athol	23,251 29
Auburn	13,262 23
Barre	10,036 37
Berlin	3,640 02
Blackstone	5,624 79
Bolton	4,340 02
Boylston	3,512 12
Brookfield	3,884 76
Charlton	8,702 15
Clinton	19,544 96
Dana	—
Douglas	7,057 94
Dudley	8,753 76
East Brookfield	2,551 07
Fitchburg	80,921 46
Gardner	36,472 00
Grafton	10,882 73
Hardwick	6,868 46
Harvard	6,002 15
Holden	9,275 86
Hopedale	10,061 70
Hubbardston	4,906 33
Lancaster	7,419 53
Leicester	8,636 91
Leominster	41,907 83
Lunenburg	6,946 89
Mendon	4,023 71
Milford	26,176 61
Millbury	12,134 34
Millville	2,362 12
New Braintree	3,428 43
North Brookfield	7,580 58
Northborough	5,818 99

WORCESTER COUNTY — *Concluded.*

Northbridge	\$16,609 66
Oakham	2,872 64
Oxford	8,547 96
Paxton	2,962 12
Petersham	5,623 71
Phillipston	2,761 59
Princeton	5,606 87
Royalston	4,595 28
Rutland	5,623 71
Shrewsbury	16,914 91
Southborough	7,192 17
Southbridge	26,103 97
Spencer	12,877 47
Sterling	6,446 35
Sturbridge	6,613 20
Sutton	7,402 15
Templeton	8,309 01
Upton	5,490 56
Uxbridge	15,985 41
Warren	7,569 53
Webster	18,839 16
West Boylston	5,813 73
West Brookfield	4,873 71
Westborough	9,682 19
Westminster	6,746 35
Winchendon	14,578 00
Worcester	413,390 89
Total	\$1,062,705 71

RECAPITULATION.

Barnstable	\$187,353 35
Berkshire	295,773 82
Bristol	638,071 26
Dukes	30,188 17
Essex	1,020,440 66
Franklin	176,003 43
Hampden	776,225 14
Hampshire	172,132 51
Middlesex	2,092,285 50
Nantucket	21,149 68
Norfolk	928,194 02
Plymouth	431,373 91
Suffolk	2,168,102 84
Worcester	1,062,705 71
Total	\$10,000,000 00

SECTION 2. The sums received by each city or town hereunder shall be expended only for local highway purposes, including construction, reconstruction, maintenance and repair of local roads, streets and highways other than state highways, and of surface drainage works, sidewalks, curbing and bridges, removal of snow, installation and maintenance of traffic lights, signs and signals and traffic policing. Cities and towns in the metropolitan parks district may apply, to the extent deemed necessary, sums received hereunder to the payment of their respective assessments in the year of receipt for the construction and maintenance of parkways and boulevards.

wards under the jurisdiction of the metropolitan district commission. Said sums received by each city or town hereunder shall, in the year of receipt, be included by the assessors thereof as an estimated receipt and deducted from the amount required to be raised by taxation to meet appropriations made in that year for highway purposes. Said sums may be expended by a city or town for the purposes aforesaid in addition to federal funds, if any, allocated to such city or town and available for such expenditure.

Approved June 26, 1941.

AN ACT FOR THE PROTECTION OF STRIPED BASS.

Chap. 421

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to protect striped bass during the current season; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. No person shall sell, offer for sale, or have in his possession any striped bass measuring less than sixteen inches from the apex of the fork of the tail to the farthest extremity of the head. Whoever violates this section shall be punished by a fine of not less than ten dollars for each such fish.

SECTION 2. No person shall take, or attempt to take, with or by the use of a net, seine or any other contrivance of any kind or description, except hook and line, any striped bass within the jurisdiction of the commonwealth; provided, that it shall not be a violation of this section for any person to take striped bass by means of such seine, net or other contrivance, while fishing for other fish for the catching of which the use of such seine, net or other contrivance is permitted, if such striped bass is immediately returned alive to the waters from which taken; and provided, further, that this section shall not affect the taking of striped bass by means of seines under authority of chapter fifty-two of the acts of eighteen hundred and ninety-one, or the taking of such fish in fish traps licensed under section twenty of chapter one hundred and thirty of the General Laws, or similar provisions of law in force while this act is in operation, but such traps may be examined by the director, or some person thereunto authorized by him in writing, and if it appears, after such examination, that such trap is constructed or operated for the primary purpose of taking striped bass, the director, after a hearing, may in writing order the licensee to alter the construction or operation of such trap, and any licensee who fails to so alter such trap within forty-eight hours after notice therefor has been received shall be punished by a fine of not less than one hundred dollars for each day or part thereof that such trap remains in operation contrary to such order.

Whoever violates any provision of this section for which no other penalty is provided shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

SECTION 3. This act shall become inoperative on January first, nineteen hundred and forty-five.

Approved June 27, 1941.

Chap.422 AN ACT REQUIRING THE MARKING OR LABELLING OF FURS, IMITATION FURS AND ARTICLES MADE THEREFROM, AND PROHIBITING MISREPRESENTATION IN SUCH MARKS OR LABELS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, new section 277A, added.

Labelling furs, etc.

Chapter ninety-four of the General Laws is hereby amended by inserting after section two hundred and seventy-seven, as appearing in the Tercentenary Edition, under the caption FURS, ETC., the following new section:— *Section 277A.* All natural, dyed or imitation furs, and all articles made wholly or partly therefrom, sold at retail within the commonwealth, shall be plainly marked or labelled with an accurate statement of the material which they contain, together with the name and address of the seller. If such statement refers to the fur or other material by a trade name, it shall further designate it by the true name or names of the animal or animals from which such fur is taken or of such other material. In the case of fur, such statement shall fully disclose that the fur sold or contained in the article sold is dyed, or that the fur or article is made of pieces of fur other than whole skins, if such is the fact. Such statement shall contain no misrepresentation as to the place from which the fur or other material came, as to the manufacturer of the article, or as to any other matter, and shall be plainly and permanently marked or branded on the inside of the skin, or plainly set forth in a permanent label firmly sewed to the material or article or to the permanent lining of the article. Whoever violates any provision of this section shall be punished by a fine of not more than two hundred dollars.

Approved June 27, 1941.

Chap.423 AN ACT AUTHORIZING THE ABSENCE FROM PUBLIC SCHOOLS AT CERTAIN TIMES OF CHILDREN FOR THE PURPOSE OF RELIGIOUS EDUCATION AND PROHIBITING THE EXPENDITURE OF PUBLIC FUNDS FOR SUCH EDUCATION OR FOR TRANSPORTATION INCIDENTAL THERETO.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 76, § 1, etc., amended.

Absence for religious instruction.

Section one of chapter seventy-six of the General Laws, as amended by section three of chapter four hundred and sixty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "months" in the thirty-seventh line the following new sentence:— Absences may also be permitted for religious education at such

times as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further, that such time shall be no more than one hour each week.

Approved June 30, 1941.

AN ACT AUTHORIZING THE CITY OF WESTFIELD TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR THE HOLDING IN SAID CITY OF THE STATE CONVENTION OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES.

Chap. 424

Be it enacted, etc., as follows:

SECTION 1. The city of Westfield may appropriate a sum not exceeding twenty-five hundred dollars, for the purpose of providing proper facilities for public entertainment at the time of the state convention of the Veterans of Foreign Wars of the United States, to be held in said city during the year nineteen hundred and forty-two, and of paying the expenses incidental to such entertainment. Money so appropriated shall be expended under the direction and control of the mayor and city council of said city.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1941.

AN ACT TO AUTHORIZE THE CITY OF MELROSE TO BORROW MONEY FOR THE PURPOSE OF PROTECTING THE SHORES OF ELL POND AND IMPROVING THE LAND ADJACENT THERETO, INCLUDING ATHLETIC FIELD DEVELOPMENT.

Chap. 425

Be it enacted, etc., as follows:

SECTION 1. The city of Melrose may borrow from time to time, within a period of five years from the effective date of this act, such sums of money as may be necessary, not exceeding, in the aggregate, two hundred and twenty-five thousand dollars, for the purpose of protecting the shores of Ell pond and improving the land adjacent thereto, including the high school grounds and athletic field located on Lynn Fells Parkway, by building walls, dikes, drains and other necessary works, filling and grading said land, and for the improvement and development of said athletic field, including the construction, alteration and enlargement of buildings and structures thereon, or for any or all of said purposes, and may issue bonds or notes therefor, which shall bear on their face the words, Melrose Ell Pond Area Improvement Loan, 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates. Indebtedness incurred under this act shall be within the statutory limit of indebtedness and shall, except as herein provided, be subject to chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof. All moneys borrowed under authority of this act shall be

expended under the direction of the board of park commissioners of said city, any provision of general or special law to the contrary notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1941.

Chap.426 AN ACT AUTHORIZING THE TOWN OF SUTTON TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of constructing a school building and of originally equipping and furnishing the same, the town of Sutton may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Sutton School Building Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1941.

Chap.427 AN ACT AUTHORIZING THE TOWN OF PHILLIPSTON TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for and constructing a school building and of originally equipping and furnishing the same, the town of Phillipston may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, ten thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Phillipston School Building Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1941.

AN ACT RELATING TO THE PRINTING OF CERTAIN STATE MAPS. *Chap. 428*

Be it enacted, etc., as follows:

Section one of chapter five of the General Laws, as most recently amended by chapter four hundred and nineteen of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "apply" in the fifth line the words: — to topographic maps issued by state departments, — and by striking out, in the sixth and seventh lines, the words "the three following sections" and inserting in place thereof the words: — sections two to four, inclusive, — so that the first paragraph will read as follows: — The division of personnel and standardization shall supervise the state printing and all publications by the commonwealth shall be printed under its direction; provided, that the foregoing provisions shall not apply to topographic maps issued by state departments, to legislative printing or to publications required to be issued by the state secretary under sections two to four, inclusive, or under chapter ninety of the resolves of nineteen hundred and twenty or any other special provision of law. All publications by the commonwealth shall be distributed under the direction of the state secretary unless otherwise provided.

G. L. (Ter. Ed.), § 1, etc., amended.

Printing of state maps.

Approved July 3, 1941.

AN ACT RELATIVE TO THE NUMBER OF VOTES REQUIRED UPON A REFERENDUM TO REVERSE ACTION OF THE REPRESENTATIVE TOWN MEETING IN THE TOWN OF WEYMOUTH. *Chap. 429*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter sixty-one of the acts of nineteen hundred and twenty-one is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — The questions submitted at the said town meeting shall be determined by vote of a majority of the registered voters of the town voting thereon but no action of the representative town meeting shall be reversed unless at least twenty per cent of all the registered voters shall so vote.

SECTION 2. This act shall be submitted to the registered voters of said town at its annual town election in the year nineteen hundred and forty-two, in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act relative to the number of votes required upon a referendum to reverse action of the representative town meeting in the town of Weymouth', be accepted?" If a majority of the votes cast in answer to such question is in the affirmative, this act shall become effective; but not otherwise.

Approved July 3, 1941.

Chap.430 AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE
AND OPERATION OF A SYSTEM OR SYSTEMS OF MAIN DRAINS
AND COMMON SEWERS IN THE TOWN OF RUTLAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Rutland may lay out, construct, maintain and operate a complete system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal, and may construct such sewers or drains over or under land in said town as may be necessary to conduct the sewage to the main sewer known as the Rutland-Holden trunk sewer constructed under chapter two hundred and sixty-two of the acts of nineteen hundred and thirty-two, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best. For the purposes aforesaid, the town may, within its limits, make and maintain sub-drains, and, with the approval of the department of public health, discharge the water from such sub-drains into any brook, stream or water course within the town.

SECTION 2. The town may make and maintain, in any way therein where main drains or common sewers are constructed, such connecting drains, under-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The board of water commissioners of the town shall, in addition to the powers and duties heretofore vested by law in it, exercise and perform in said town all the powers and duties vested by general law in sewer commissioners. The board shall hereafter be known as the board of water and sewer commissioners.

SECTION 4. Said board of water and sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers, sub-drains and under-drains under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public land or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case

of failure to agree, as may be approved by the department of public utilities.

SECTION 5. The town shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay. If the town votes to pay a proportion less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems the town may avail itself of any or all of the methods permitted by general laws, and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement, and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this act. At the same meeting at which it determines the proportion of the cost which is to be borne by the town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to the said board who shall preserve a record thereof.

SECTION 6. The receipts from sewer assessments and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment or redemption of such bonds or notes.

SECTION 7. All contracts made by the board of water and sewer commissioners shall be made in the name of the town and shall be signed by the board, but no contracts shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 8. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Rutland, if any there be, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publications have been made.

SECTION 9. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans of said system of sewerage and sewage disposal have been approved by the department of public health. Upon application to said department for its approval, it shall give a hearing,

after due notice to the public. At such hearing, plans showing in detail all the work to be done in constructing such system of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 10. This act shall take full effect upon its acceptance by vote of the majority of the voters of said town voting thereon at a town meeting called for the purpose within five years after its passage, but not otherwise.

Approved July 3, 1941.

Chap. 431 AN ACT ESTABLISHING THE MONTAGUE CENTER FIRE DISTRICT
IN THE TOWN OF MONTAGUE.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Montague, liable to taxation in said town and residing within precinct three except that portion included in the Lake Pleasant Fire District, shall constitute a fire district and are hereby made a body corporate by the name of the Montague Center Fire District, hereinafter called the district, for the purpose of supplying themselves with water and facilities for the extinguishment of fires and for no other purpose, with power to establish fountains and hydrants and to relocate and discontinue the same, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its prudential committee hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Montague not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district. The district may construct and maintain on the lands acquired and held under

this act proper dams, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of an effective water works for fire protection only; and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Montague. The district shall not enter upon, or construct or lay any conduit, pipe or other works within, the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The district may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may, in addition to any other authority to borrow under the General Laws, borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, seven thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Montague Center Fire District Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than fifteen years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and, when a vote to that effect has been passed, a sum which will be sufficient to pay the annual interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Montague annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the prudential committee hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said committee by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the prudential committee, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the prudential committee, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 9. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a prudential committee; and at every annual district meeting following such next succeeding annual district meeting one such committeeman shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the prudential committee, but in no event shall it be later than fifteen months subsequent to the date on which the prudential committee were first elected. All the authority granted to the district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said prudential committee, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said prudential committee are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a committeeman, and shall give bond to the district in such an amount as may be approved by said committee and with a surety company authorized to transact business in the commonwealth as surety. A majority of said committee shall constitute a quorum for the transaction of business. Any vacancy occurring in said committee from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said prudential committee or a majority of them.

SECTION 10. Said prudential committee shall annually, and as often as the district may require, render a report upon the condition of the work under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight.

SECTION 12. Whoever wilfully or wantonly diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction

of any of the above wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

SECTION 13. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved July 3, 1941.

Chap. 432 AN ACT RELATIVE TO THE APPOINTMENT OF ELECTION OFFICERS IN CERTAIN CITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 54, § 11, etc., amended.

Election officers in certain cities.

SECTION 1. Chapter fifty-four of the General Laws is hereby amended by striking out section eleven, as most recently amended by section six of chapter three hundred and forty-one of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section:—

Section 11. Subject to section eleven B, the mayor of every city, except where city charters provide otherwise and except as provided in sections eleven A and thirty-six, shall annually not earlier than July fifteenth nor later than August fifteenth appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be enrolled voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition, and such additional inspectors as he may deem necessary, not less than two nor more than four for each three hundred voters, to count and tabulate the votes or to serve at any election. Every such appointment shall be filed in the office of the city clerk of such city within forty-eight hours after it is made, and shall be acted on by the aldermen not less than three days after the filing of such appointment and on or before September first following. After said September first, the mayor, with the approval of the aldermen, may, from time to time, appoint temporary additional inspectors to count and tabulate the votes. Records of appointments made under authority of this section shall be open to public inspection.

G. L. (Ter. Ed.), 54, new section 11B, added.

List of persons desiring appointment to be furnished.

SECTION 2. Said chapter fifty-four is hereby further amended by inserting after section eleven A, inserted by section two of chapter seventy-six of the acts of nineteen hundred and thirty-two, the following new section:— *Section 11B.* The chairman of the city committee of each political party entitled to representation in the appointment of election officers may, not later than June first in each year, file with the registrars an original list and a supplemental list of enrolled members of such party who desire appointment as election officers. The names of such persons shall

be taken by the chairman from lists submitted to him by the several ward committees. Upon the filing of such lists the registrars shall forthwith proceed to the examination of such persons and shall, on or before June thirtieth, submit to the mayor or other appointing authority the names of persons whose names appear on the lists, who in their opinion are found qualified, after examination, to act as election officers. The original list filed by the chairman shall contain not more than five names, and the supplemental list not more than three names, for each office to be filled. Additional supplemental lists for any election district may be filed at any time before the appointments for such district are made, for the purpose of filling vacancies which may occur in the original or previous supplemental lists. No person shall be appointed as an election officer until he is found qualified to act as such as herein provided. Appointments shall be made from the original list before any names are taken from any supplemental list.

Examinations.

If, within ten days after notice in writing by the mayor or other appointing authority to the chairman of any political committee by whom lists are to be filed hereunder, such chairman shall neglect to file original or supplemental lists, the mayor or other appointing authority may appoint enrolled members of the party as election officers who, after examination by the registrars, are found qualified to act as such. In cities where the appointing authority is the board of election commissioners or election commission, the examinations shall be held by such board or commission.

Boards or commissions conducting examinations under this section shall give five days' notice of the time and place for holding an examination to persons whose names appear on the lists filed hereunder. Notice of intention to hold such examinations shall also be sent to the chairman of each city committee, and each such chairman may appear and be heard during the conduct of such examinations, either in person or by counsel. Any person who has been examined and found qualified to act as an election officer under this section and who has served as such in any state or city election may be appointed an election officer without further examination, if his name appears on an original or supplemental list filed hereunder.

Approved July 9, 1941.

AN ACT PLACING THE POSITIONS OF POSTMASTER AND ASSISTANT POSTMASTER OF THE CENTRAL MAILING ROOM UNDER THE COMMISSION ON ADMINISTRATION AND FINANCE AND UNDER CIVIL SERVICE.

Chap. 433

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth and fifth lines, the words "a postmaster at a salary of twenty-five

G. L. (Ter. Ed.), 3, § 18, amended.

Employees of
sergeant-at-
arms.

Salaries.

hundred dollars; an assistant postmaster at a salary of fifteen hundred dollars;”, — and by striking out, in the ninth line, the word “annual”, — so as to read as follows:—
Section 18. There shall be a doorkeeper for each branch, each at a salary of twenty-seven hundred and fifty dollars, and such assistant doorkeepers as it may direct, each at a salary of twenty-two hundred dollars; a porter in the lobby of the house of representatives at a salary of sixteen hundred and fifty dollars; general court officers, each at a salary of two thousand dollars; pages whose compensation shall be seven hundred dollars each for the regular session and a sum not exceeding three dollars for each day’s service after such session; a clerk to take charge of the legislative document room at a salary of twenty-seven hundred and fifty dollars, an assistant clerk of said room at a salary of twenty-one hundred dollars, and such assistants therein as may be necessary, for whose fitness and good conduct the sergeant-at-arms shall be responsible.

G. L. (Ter.
Ed.), 3, § 20,
etc., amended.

Compensation
for travel.

SECTION 2. Section twenty of said chapter three, as amended by section two of chapter five hundred and eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the second and third lines, the words “, the postmaster and assistant postmaster”, — so as to read as follows:—
Section 20. The sergeant-at-arms, doorkeepers, assistant doorkeepers, general court officers and pages, the clerks in the sergeant-at-arms’ office, and the clerk, assistant clerk and other assistants in the legislative document room shall each receive in each odd-numbered year four dollars and twenty cents, and in each even-numbered year such sum as may have been appropriated for such year, for every mile of ordinary traveling distance from their places of abode to the state house. Payments to persons authorized to receive compensation under this section shall be made from the treasury of the commonwealth, in the month of January of each year, upon the certificate of the sergeant-at-arms approved by the president of the senate and the speaker of the house of representatives; provided, that in each odd-numbered year said payments shall be made as aforesaid in anticipation of an appropriation.

G. L. (Ter.
Ed.), 7, new
section 6A,
added.

Postmaster,
etc.

SECTION 3. Chapter seven of the General Laws is hereby amended by inserting after section six, as appearing in the Tercentenary Edition, the following new section:—
Section 6A. The commission shall appoint a postmaster and an assistant postmaster of the central mailing room who shall serve under the commission and perform such duties as the commission may determine.

Postmaster
and assistant
placed under
civil service.

SECTION 4. The offices of postmaster and assistant postmaster of the central mailing room, placed by this act under the commission on administration and finance, shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of the incumbents thereof shall be unlimited, subject, however, to said laws; but the persons holding the offices of

postmaster and assistant postmaster of the central mailing room under section eighteen of chapter three of the General Laws on said effective date shall serve in the positions of postmaster and assistant postmaster of the central mailing room created by this act without civil service examination.

Approved July 9, 1941.

AN ACT PROVIDING FOR THE VERIFICATION OF RETURNS OF BIRTHS. Chap. 434

Be it enacted, etc., as follows:

Chapter forty-six of the General Laws is hereby amended by inserting after section four, as appearing in the Tercentenary Edition, the following new section:— *Section 4A.* Each town clerk, upon receipt of the return of a birth of a child in his town, shall mail to the parents of such child a form of return to be filled out by the parents and returned to said clerk for the purpose of verifying the original return of said birth or of supplying deficiencies therein. A copy of every such return received from parents who were residents of a town in the commonwealth other than the town in which the child was born shall be sent to the clerk of such other town in case the facts verified in such return differ from the facts stated in the certified copy of the return of such birth made under section twelve. The clerk of the town of residence of the parents of a child born in another town in the commonwealth who has not received from the clerk of the town where the child was born a verification return hereunder may mail such a form of return to said parents, and, upon receipt of such return filled out by the parents, said clerk shall record the facts contained therein for his records and transmit the return to the clerk of the town in which the child was born.

G. L. (Ter. Ed.), 46, new section 4A, added.
Verification of birth returns.

Approved July 9, 1941.

AN ACT PROVIDING THREE YEAR TERMS FOR THE TREASURER AND THE COLLECTOR OF TAXES IN THE CITY OF MALDEN. Chap. 435

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-nine of the acts of eighteen hundred and eighty-one is hereby amended by striking out section fourteen, as affected by chapter three hundred and thirty-two of the acts of nineteen hundred and one and by chapter one hundred and eighty of the Special Acts of nineteen hundred and seventeen, and inserting in place thereof the following section:— *Section 14.* The city council, as soon after its organization as may be convenient, in years when it organizes, otherwise on the first Monday in January, or as soon thereafter as may be convenient, shall annually choose, by concurrent vote, a city solicitor and a city physician, who shall hold their offices respectively for the term of one year next ensuing and until the qualification

of their respective successors, and shall triennially choose, by joint ballot in convention, a treasurer and a collector of taxes, who shall hold their offices respectively for the term of three years next ensuing and until the qualification of their respective successors; provided, that any of the officers named or referred to in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time by concurrent vote of the city council. The compensation of the officers named or referred to in this section shall be fixed by concurrent vote of the city council.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the city council of the city of Malden, subject to the provisions of its charter, but not otherwise.

Approved July 9, 1941.

Chap.436 AN ACT MAKING THE PAYMENT OF SALARIES OF CERTAIN PERSONS EMPLOYED IN PRISON INDUSTRIES SUBJECT TO APPROPRIATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 127, § 72, etc., amended.

Payment of salaries and bills for tools, etc.

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section seventy-two, as amended by section eighteen of chapter three hundred and forty-four of the acts of the current year, and inserting in place thereof the following section: — *Section 72.* Bills for tools, implements, machinery and materials purchased by, and, subject to appropriation, the salaries of persons employed in, the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony and the state farm, under sections fifty-one to seventy, inclusive, shall be paid monthly by the commonwealth, upon schedules prepared and sworn to by the warden or superintendent and approved by the commissioner. Bills for tools, implements, machinery and materials purchased by, and the salaries of persons employed in, the jails and houses of correction under said sections shall be paid monthly by the county, upon schedules prepared and sworn to by the master or keeper and approved by the commissioner. The schedule of bills for tools, implements and machinery and of bills for materials and salaries shall be kept separate from each other and from the schedules of bills incurred for the maintenance of the prison, reformatory, jail or house of correction.

Effective date.

SECTION 2. This act shall take effect on December first, nineteen hundred and forty-one. *Approved July 9, 1941.*

Chap.437 AN ACT DEFINING THE TERM "PERSONAL INJURY" AS USED IN THE WORKMEN'S COMPENSATION LAW TO INCLUDE INFECTIOUS OR CONTAGIOUS DISEASES IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 1, etc., amended.

Section one of chapter one hundred and fifty-two of the General Laws, as amended, is hereby further amended by

inserting after paragraph (7), as appearing in the Tercentenary Edition, the following new paragraph:—

(7A) "Personal injury" includes infectious or contagious diseases if the nature of the employment is such that the hazard of contracting such diseases by an employee is inherent in the employment. *Approved July 9, 1941.*

Term "Personal injury" defined.

AN ACT AUTHORIZING BANKING COMPANIES TO SELL CERTAIN NEGOTIABLE CHECKS. *Chap.438*

Be it enacted, etc., as follows:

Chapter one hundred and seventy-two A of the General Laws is hereby amended by inserting after section fourteen, as appearing in section four of chapter four hundred and fifty-two of the acts of nineteen hundred and thirty-five, the following new section:— *Section 15.* Any such corporation which shall have been authorized under section one to do the business of a banking company may, under regulations made by the commissioner, sell negotiable checks drawn by or on it and payable by or through a trust company or a national banking association. *Approved July 9, 1941.*

G. L. (Ter. Ed.), 172A, new section 15, added.

Sale of negotiable checks.

AN ACT RELATIVE TO THE GRANTING OF COMMON VICTUALLERS' AND INNOLDERS' LICENSES IN ADVANCE OF EQUIPPING PREMISES PROPOSED TO BE USED FOR THE PURPOSES OF SUCH LICENSES. *Chap.439*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the General Laws is hereby amended by striking out section six, as amended by section six of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section:— *Section 6.* A common victualler's or innholder's license may be issued to an applicant therefor if at the time of his application he has upon his premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers, and, in the case of an applicant for an innholder's license, also has the rooms, beds and bedding required by law. An applicant for a license as a common victualler or as an innholder, proposed to be exercised upon premises which have not been equipped with fixtures or supplied with necessary implements and facilities for cooking, preparing and serving food and upon which, in the case of an applicant for an innholder's license, there are not also provided suitable rooms, beds and bedding for the lodging of his guests, shall file with the licensing authorities a plan showing the location of counters, tables, ranges, toilets and in general the proposed set-up of the premises, which shall include, in the case of an applicant for an innholder's license, a plan of the proposed suitable rooms for the lodging of his guests and a list of the beds and bedding, which he proposes

G. L. (Ter. Ed.), 140, § 6, etc., amended.

Common victualler's or innholder's license.

to have upon said premises if and when the license may issue, together with an itemized estimate of the cost of said proposed set-up and of such fixtures, and of the implements and facilities necessary for cooking, preparing and serving food and of such beds and bedding; and thereupon the licensing authorities may grant a common victualler's or an innholder's license, as the case may be, upon the condition that such license shall issue upon the completion of the premises according to the plans and estimate submitted, and the decision of the licensing authorities as to whether or not said premises are so completed shall be final. For the purposes of section twelve of chapter one hundred and thirty-eight, a person to whom a license has been granted under this section shall be deemed to be a common victualler duly licensed under this chapter to conduct a restaurant or an innholder duly licensed thereunder to conduct a hotel, as the case may be.

G. L. (Ter. Ed.), 140, § 6A, repealed.

SECTION 2. Section six A of said chapter one hundred and forty, inserted by section seven of said chapter four hundred and twenty-four, is hereby repealed.

Approved July 9, 1941.

Chap. 440 AN ACT EXEMPTING FROM TAXATION CERTAIN PROPERTY HELD BY A CITY, TOWN OR DISTRICT IN ANOTHER CITY OR TOWN FOR PUBLIC AIRPORT PURPOSES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 59, § 6, etc., amended.

The first paragraph of section six of chapter fifty-nine of the General Laws, as most recently amended by section one of chapter fifty-nine of the acts of nineteen hundred and thirty-six, is hereby amended by adding at the end the following new sentence: — Revenue received for the use of such areas of land within the property so held for the purpose of a public airport as are used for the take-off and landing of airplanes, including runways, taxi and transition strips, or for the use of buildings on such property, which are actually and exclusively used for servicing and repairing airplanes, shall not be deemed to be rent or revenue in the nature of rent within the meaning of this paragraph, — so as to read as follows: — Property held by a city, town or district, including the metropolitan water district, in another city or town for the purpose of a water supply, the protection of its sources, or of sewage disposal, or of a public airport, if yielding no rent, shall not be liable to taxation therein; but the city, town or district so holding it shall, annually on July first, pay to the city or town where it lies an amount equal to that which such city or town would receive for taxes upon the average of the assessed values of the land, which shall not include buildings or other structures except in the case of land taken for the purpose of protecting the sources of an existing water supply, for the three years last preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon. Any part of such land

Exemption of property used for public airport purposes.

or buildings from which any revenue in the nature of rent is received shall be subject to taxation. Revenue received for the use of such areas of land within the property so held for the purpose of a public airport as are used for the take-off and landing of airplanes, including runways, taxi and transition strips, or for the use of buildings on such property, which are actually and exclusively used for servicing and repairing airplanes, shall not be deemed to be rent or revenue in the nature of rent within the meaning of this paragraph.

Approved July 9, 1941.

AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF CERTAIN FOREMEN, INSPECTORS, MECHANICS, DRAWTENDERS, ASSISTANT DRAWTENDERS AND STOREKEEPERS FORMERLY EMPLOYED BY THE CITY OF FALL RIVER. Chap.441

Be it enacted, etc., as follows:

SECTION 1. The limitation of the amount of the retirement allowances of foremen, inspectors, mechanics, drawtenders, assistant drawtenders and storekeepers formerly in the employ of the city of Fall River, hereinafter called employees, imposed by section one of chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-four, as amended by section one of chapter seventy-one of the acts of nineteen hundred and thirty, shall not restrict the retirement allowances of such of said employees as were retired by said city thereunder prior to January first, nineteen hundred and thirty-eight.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved July 9, 1941.

AN ACT RELATIVE TO THE RE-EMPLOYMENT IN THEIR FORMER POSITIONS OF PERSONS WHO LEAVE THE SAME UPON BEING CALLED FOR MILITARY OR NAVAL SERVICE DURING THE PRESENT NATIONAL EMERGENCY AND ARE REJECTED FOR SUCH SERVICE. Chap.442

Be it enacted, etc., as follows:

Any person who leaves a position in the service of any employer upon being called for service in the military or naval forces of the United States under the provisions of the Federal Selective Service and Training Act of 1940 and is rejected for such service, shall, if mentally and physically capable, be re-employed, upon application for re-employment within forty days after such rejection, in the position held by him at the time of receiving said call for said military or naval service. Whoever wilfully neglects or fails to comply with this section shall be punished by a fine of not less than one thousand dollars or by imprisonment for not more than one year, or both.

Approved July 9, 1941.

Chap.443 AN ACT RELATIVE TO THE EQUIPMENT OF COMMERCIAL MOTOR VEHICLES, SEMI-TRAILERS OR TRAILERS USED IN INTER-STATE COMMERCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 7, etc., amended.

Section seven of chapter ninety of the General Laws, as most recently amended by chapter one hundred and fifty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by adding at the end the following new paragraph:—

Equipment of certain motor vehicles.

Notwithstanding the preceding provisions of this section, any commercial motor vehicle, semi-trailer or trailer, used in interstate commerce, which shall conform as to its equipment with the regulations established from time to time by the interstate commerce commission shall be deemed to conform to the requirements of this section.

Approved July 9, 1941.

Chap.444 AN ACT RELATIVE TO ADVERSE CLAIMS TO CERTAIN BANK DEPOSITS AND TO CERTAIN SECURITIES HELD BY BANKS FOR THE ACCOUNT OF OTHERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 167, new section 49, added.

Claims against bank deposits, etc.

Chapter one hundred and sixty-seven of the General Laws is hereby amended by adding after section forty-eight, added by section six of chapter two hundred and forty-four of the acts of nineteen hundred and thirty-nine, the following new section:— *Section 49.* No individual, partnership, association or corporation doing a banking business in the commonwealth, in this section called the depository, shall be required to recognize an adverse claim to a deposit standing on his or its books to the credit of or to securities held for the account of any person, except by virtue of the service upon him or it of appropriate process issued by a court of competent jurisdiction in a suit or action to which such person, or his executors or administrators, has been made a party, unless the adverse claimant gives bond satisfactory to the depository and the adverse claimant to hold harmless and indemnify it from any liability, loss, damage, costs and expenses whatsoever on account of such adverse claim, or files with the depository an affidavit setting forth facts showing a reasonable cause for belief that a fiduciary relationship exists between such person and said adverse claimant and that such person is about to misappropriate the deposit or securities in question. *Approved July 9, 1941.*

AN ACT RELATIVE TO THE EXPENSE OF THE MAKING SECURE
OR THE REMOVAL OF CERTAIN BUILDINGS OR OTHER STRUC-
TURES BY THE BUILDING COMMISSIONER OF THE CITY OF
BOSTON. Chap. 445

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and fifty of the acts of nineteen hundred and seven is hereby amended by striking out section five, as most recently amended by section two of chapter two hundred and fifty of the acts of nineteen hundred and thirty-one, and inserting in place thereof the following section:—*Section 5.* The person notified as provided in the preceding section shall provide sufficient means of egress in case of fire satisfactory to the building commissioner, or shall comply with the provision of this act which is being violated, or shall secure or remove said building, structure, attachment or connection forthwith. If the public safety so requires, the commissioner, with the approval of the mayor, may at once enter the building or other structure which he finds unsafe or dangerous, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway.

A claim for the expense incurred by the commissioner under this section shall constitute a debt due the city upon the completion of the work and the rendering to the owner of an account therefor, and shall be recoverable from the owner in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date upon which said debt became due, shall constitute a lien upon the real estate on or relative to which the expense was incurred, as hereinafter provided. Such lien shall take effect upon the filing, within ninety days after the debt became due, for record in the registry of deeds for Suffolk county, or, in the case of registered land, with the assistant recorder for the Suffolk registry district of the land court, of a statement of the claim, signed by the commissioner, setting forth the amount claimed without interest. Such lien shall continue for two years from the first day of October next following the date of filing said statement. Such lien may be dissolved by filing for record in such registry of deeds or with said assistant recorder, as the case may be, a certificate from the collector of taxes that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. The collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale of land for the non-payment thereof, and the redemption of land so sold shall apply.

The owner of the real estate to which a lien has attached, as provided in this section, within ninety days after the statement of said lien was filed in the registry of deeds or with said assistant recorder, as the case may be, may apply in writing to the commissioner for a hearing and such hearing, after due notice, shall be given by the commissioner within a reasonable time thereafter. The commissioner, if he is satisfied after said hearing that the amount of the claim is more than the amount actually expended to make safe or remove the building or structure, may reduce the amount of the claim to the amount so actually expended. If the owner of said premises is aggrieved by any decision of the commissioner under authority of this section he may, within thirty days after notice of said decision has been mailed to him, appeal to the municipal court of the city of Boston, which shall hear and finally establish the amount of the claim.

Before beginning the removal of any building or other structure, the building commissioner shall give notice, by mail, to the owner of his right to the material, upon request, if he is known and can be found; otherwise by posting an attested copy of such notice in a conspicuous place upon the external walls of such building. If the owner claims the material, he shall at once so notify the commissioner in writing and shall remove the same within ten days after the building or structure is taken down, and if he fails to do so the building commissioner may dispose of the material.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1941.

Chap. 446 AN ACT RELATIVE TO THE EXPENSE OF THE REMOVAL OF CERTAIN BUILDINGS OR PARTS THEREOF BY THE HEALTH COMMISSIONER OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and nineteen of the acts of eighteen hundred and ninety-seven is hereby amended by striking out section one, as amended, and inserting in place thereof the following section:— *Section 1.* Whenever the health commissioner of the city of Boston shall be of opinion that any building or any part thereof in said city is infected with contagious disease, or by reason of want of repair has become dangerous to life, or is unfit for use because of defects in drainage, plumbing, ventilation, or in the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, said commissioner may issue an order requiring all persons therein to vacate or cease to use such building or part thereof stated in the order, for reasons to be stated therein as aforesaid. Said commissioner shall cause said order to be affixed conspicuously to the building or part thereof, and to be personally served on the owner, lessee, agent, occupant or any person having the charge or care

thereof; if the owner, lessee or agent cannot be found in the said city, or does not reside therein, or evades or resists service, then said order may be served by depositing a copy thereof in the post office of said city, postpaid and properly inclosed and addressed to such owner, lessee or agent at his last known place of business or residence. Such building or part thereof shall be vacated within ten days after said order shall have been posted and mailed as aforesaid, or within such shorter time, not less than forty-eight hours, as in said order may be specified, and said building shall be no longer used; but whenever said commissioner shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired so as to be habitable, he may revoke said order. Whenever in the opinion of said commissioner any building or part thereof in said city is because of age, infection with contagious disease, defects in drainage, plumbing or ventilation, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, or among the occupants of other property in said city, or because it makes other buildings in said vicinity unfit for human habitation or dangerous or injurious to health, or because it prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other sanitary evils in respect of such other buildings, so unfit for human habitation that the evils in or caused by said building cannot be remedied by repairs or in any other way except by the destruction of said building or of any portion of the same, said commissioner may order the same or any part thereof to be removed; and if said building is not removed in accordance with said order said commissioner shall remove the same.

SECTION 2. Said chapter two hundred and nineteen is hereby further amended by striking out section two and inserting in place thereof the following section: — *Section 2.* A claim for the expense incurred by the health commissioner of the city of Boston under section one shall constitute a debt due the city upon the completion of the work and the rendering to the owner of an account therefor, and shall be recoverable from the owner in an action of contract. Said debt, together with interest thereon at the rate of six per cent per annum from the date upon which said debt became due, shall constitute a lien upon the real estate on or relative to which the expense was incurred, as hereinafter provided. Such lien shall take effect upon the filing, within ninety days after the debt became due, for record in the registry of deeds for Suffolk county, or, in the case of registered land, with the assistant recorder for the Suffolk registry district of the land court, of a statement of the claim, signed by said commissioner, setting forth the amount claimed without interest. Such lien shall continue for two years from the first day of October next following the date of filing said statement. Such lien may be dissolved by filing

for record in such registry of deeds or with said assistant recorder, as the case may be, a certificate from the collector of taxes that the debt for which such lien attached, together with interest and costs thereon, has been paid or legally abated. The collector shall have the same powers and be subject to the same duties with respect to such claim as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale or taking of land for the non-payment thereof, and the redemption of land so sold or taken shall apply.

The owner of the real estate to which a lien has attached, as provided in the preceding paragraph, within ninety days after the statement of said lien was filed in the registry of deeds or with said assistant recorder, as the case may be, may apply in writing to said commissioner for a hearing and such hearing, after due notice, shall be given by said commissioner within a reasonable time thereafter. Said commissioner, if he is satisfied after said hearing that the amount of the claim is more than the amount actually expended to remove the building or part thereof, may reduce the amount of the claim to the amount so actually expended. If the owner of said premises is aggrieved by any decision of said commissioner under authority of this section he may, within thirty days after notice of said decision has been mailed to him, appeal to the municipal court of the city of Boston, which shall hear and finally establish the amount of the claim.

SECTION 3. This act shall take effect upon its passage.

Approved July 10, 1941.

Chap. 447 AN ACT RELATIVE TO THE ESTABLISHMENT AND CLASSIFICATION OF SALARIES OF CLERKS AND ASSISTANT CLERKS OF DISTRICT COURTS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 35, § 49, etc., amended.

Classification of certain county offices.

SECTION 1. Section forty-nine of chapter thirty-five of the General Laws, as most recently amended by section one of chapter one hundred and sixty-five of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth and sixth lines, the words "and associate county commissioners", — and by striking out, in the ninth line, the words "municipal court of the city of Boston" and inserting in place thereof the words: — clerks and assistant clerks of district courts in the county of Suffolk, — so as to read as follows: — *Section 49.* Every office and position whereof the salary is wholly payable from the treasury of one or more counties, or from funds administered by and through county officials, except the offices of county commissioners, justices and special justices of the district courts, the messenger of the superior court in the county of Suffolk, clerks and assistant clerks of the district courts other than the clerks and assistant clerks of district courts in

the county of Suffolk, trial justices, other offices and positions filled by appointment of the governor with the advice and consent of the council, court officers appointed in Suffolk county under section seventy of chapter two hundred and twenty-one, and probation officers, but including the officer described in the first sentence of section seventy-six of said chapter two hundred and twenty-one, shall be classified by the board in the manner provided by sections forty-eight to fifty-six, inclusive, and every such office and position, now existing or hereafter established, shall be allocated by the board to its proper place in such classification. Offices and positions in the service of any department, board, school or hospital principally supported by the funds of the county or counties, or in the service of a hospital district established under sections seventy-eight to ninety-one, inclusive, of chapter one hundred and eleven, shall likewise be subject to classification as aforesaid. The word "salary", as used in this section, shall include compensation, however payable; but nothing in sections forty-eight to fifty-six, inclusive, and nothing done under authority thereof, shall prevent any person from continuing to receive from a county such compensation as is fixed under authority of other provisions of law or as is expressly established by law.

SECTION 2. Chapter two hundred and eighteen of the General Laws is hereby amended by striking out section seventy-nine, as amended by section two of chapter three hundred and nine of the current year, and inserting in place thereof the following section: — *Section 79.* In courts other than the courts in Suffolk county in which the salaries of justices are fixed by section seventy-eight, the salaries of clerks shall be equal to seventy-five per cent of the salaries established for the justices of their respective courts; and the salaries of assistant clerks, other than second, third and fourth assistant clerks, shall be equal to seventy-five per cent, and the salaries of second assistant clerks shall be equal to sixty per cent, and the salaries of third assistant clerks shall be equal to forty-five per cent, of the salaries of the clerks of their respective courts. The salary of the fourth assistant clerk of the municipal court of the Roxbury district shall be forty-five per cent of the salary of the clerk of said court.

G. L. (Ter. Ed.), 218, § 79, etc., amended.

Classified salaries.

SECTION 3. Chapter two hundred and eighteen of the General Laws is hereby further amended by striking out section eighty, as most recently amended by section two of chapter three hundred and seventy-eight of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section: — *Section 80.* The salaries of the clerks of the first district court of Barnstable, the second district court of Essex, the district court of Peabody, the district court of eastern Hampshire and the second, third and fourth district courts of Plymouth shall be equal to seventy-five per cent of the salaries established for the justices of their respective courts.

G. L. (Ter. Ed.), 218, § 80, etc., amended.

Salaries of clerks in certain district courts.

SECTION 4. The salary of no clerk or assistant clerk in office on the effective date of his classification under authority of this act shall be diminished by reason of such classification.

SECTION 5. The salaries of the clerks and assistant clerks of the district courts in Suffolk county in force on the effective date of this act shall continue in force until classified under authority of section forty-nine of chapter thirty-five of the General Laws, as appearing in section one of this act.

Approved July 10, 1941.

Chap. 448 AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE SALARIES OF COURT OFFICERS IN ATTENDANCE UPON THE SUPREME JUDICIAL COURT IN SUFFOLK COUNTY BY THE JUSTICES OF SAID COURT.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 221, § 73, etc., amended.

Salaries of certain court officers.

SECTION 1. Chapter two hundred and twenty-one of the General Laws is hereby amended by striking out section seventy-three, as most recently amended by section two of chapter three hundred and forty-seven of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section:— *Section 73.* Each officer in attendance upon the superior court in Suffolk county who is appointed under section seventy shall receive from said county in full for all services performed by him such salary as shall be fixed by the justices of such court, subject to section seventy-three A. Each officer in attendance upon the supreme judicial court in said county shall receive in full for all services performed by him such salary as shall be fixed by the justices of the supreme judicial court of which salary five hundred and twenty-eight dollars shall be paid by the commonwealth and the remainder by said county.

G. L. (Ter. Ed.), 221, § 73A, etc., amended.

Salaries regulated.

SECTION 2. Section seventy-three A of said chapter two hundred and twenty-one, inserted by said section two of said chapter three hundred and forty-seven, is hereby amended by inserting before the word "Suffolk" in the second line the words:— attendance upon the superior court in, — so as to read as follows:— *Section 73A.* No increase in the rate of salary for any position of court officer in attendance upon the superior court in Suffolk county referred to in section seventy-three shall be made under said section seventy-three if thereby the ratio between the salary for such position and the salary for a comparable position of court officer in any other county, after equal length of service, would be more favorable to such position of court officer in Suffolk county than was such ratio at the time this section takes effect.

SECTION 3. Salaries of court officers in attendance upon the supreme judicial court in Suffolk county referred to in section one of this act, in force on the effective date thereof, shall continue in force until fixed by the justices of the supreme judicial court, as provided by said section one.

Approved July 10, 1941.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE SHORES *Chap.449*
IN THE TOWN OF MARSHFIELD.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions hereinafter imposed, the department of public works is hereby authorized to carry out work for the protection of the shores in the town of Marshfield from damage by the sea and to expend for this purpose during the year nineteen hundred and forty-one a sum not exceeding forty thousand dollars, of which amount one fourth shall be contributed by Plymouth county, and three fourths shall be expended from the periodic appropriation made for river and harbor improvement under authority of section eleven of chapter ninety-one of the General Laws; payment of any part of said sum by the town of Marshfield, other than as a portion of such county, being omitted on account of the recent catastrophe suffered by said town. Any of the aforesaid sum remaining at the end of said year may be expended for said purpose in the year nineteen hundred and forty-two.

SECTION 2. The money to be contributed by said county shall be paid into the state treasury from time to time as requested by said department, but no work hereunder shall be begun until the contribution or contributions so requested have been paid into such treasury.

SECTION 3. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of Plymouth county.

Approved July 10, 1941.

AN ACT RELATIVE TO THE DISPOSITION OF BOOKS AND PAPERS *Chap.450*
OF INSOLVENT INSURANCE COMPANIES DEPOSITED WITH
THE COMMISSIONER OF INSURANCE BY THE RECEIVERS OF
SUCH COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section forty-two of chapter thirty of the General Laws, as amended by chapter three hundred and fifty-nine of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting after the word "thereof" in the fourteenth line the words: — , and destroy books and papers of insolvent insurance companies deposited with the commissioner of insurance under section one hundred and seventy-eight of chapter one hundred and seventy-five, after the expiration of six years from the date of such deposit, — so as to read as follows: — *Section 42.* The state librarian or a person in his department designated by him, an assistant attorney general designated by the attorney general, and the chairman of the commission on administration and finance or a person in his department designated by him, acting as a board, after consultation with the chairman of any board or commission or the head of any department

G. L. (Ter.
Ed.), 30, § 42,
etc., amended.

Disposal of
duplicate and
obsolete docu-
ments, etc.

or institution which may be interested, may, either of their own motion or upon the request of said chairman or head, sell any duplicate volumes or documents, the property of the commonwealth, which are held in the state library or any other department, and sell or destroy, from time to time, obsolete or worthless records, books and documents, and sell or destroy vouchers after the expiration of twenty years from the date of payment thereof, and destroy books and papers of insolvent insurance companies deposited with the commissioner of insurance under section one hundred and seventy-eight of chapter one hundred and seventy-five, after the expiration of six years from the date of such deposit. At least thirty days before selling or destroying any such records, books, vouchers or documents, the board shall publish in a daily newspaper in Boston a notice of its intention so to do, containing a brief description or summary of the articles to be sold or destroyed, and it shall give such other and further notice as it deems advisable to historical societies or persons interested in the matter. It may, and upon petition of twenty-five or more citizens of the commonwealth shall, before selling or destroying any particular records, books, vouchers or documents, give a public hearing to all persons interested, and ten days' notice of such hearing shall be given in a daily newspaper published in Boston. Any money received from sales under this section shall be paid to the commonwealth.

G. L. (Ter.
Ed.), 175,
§ 178, amended.

SECTION 2. Section one hundred and seventy-eight of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the words: — , subject to section forty-two of chapter thirty, — so that the last sentence will read as follows: — Upon the payment to the commonwealth of such unclaimed money or dividends by the receiver and the allowance by the court of his final account, or at the expiration of one year after the final settlement ordered by the court, if he then has in his hands no unclaimed money or dividends, he shall deposit with the commissioner all books and papers of such company, including those relative to his receivership, which shall be preserved by the commissioner, subject to section forty-two of chapter thirty.

Approved July 10, 1941.

Chap. 451 AN ACT TO REQUIRE THE COUNTERSIGNATURE BY RESIDENT LICENSED AGENTS OF POLICIES OR CONTRACTS OF INSURANCE AND SURETYSHIP AND INSTRUMENTS ISSUED OR EXECUTED BY CERTAIN FOREIGN INSURANCE COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175,
§ 157, etc.,
amended.

Chapter one hundred and seventy-five of the General Laws is hereby amended by striking out section one hundred and fifty-seven, as amended by chapter three hundred and fifteen of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:—

Section 157. Foreign companies admitted to do business in the commonwealth shall make contracts of insurance upon lives, property or interests therein, and annuity or pure endowment contracts on lives therein, and contracts of suretyship with or in favor of residents thereof, only by lawfully constituted and licensed resident agents therein. No such company and no officer or agent thereof shall issue or deliver, or cause or permit to be issued or delivered, in the commonwealth any policy, bond or other instrument evidencing any such contract, or any certificate, memorandum or other instrument evidencing insurance or coverage thereunder, unless such policy, bond, certificate, memorandum or other instrument is countersigned by such a resident agent of the company in the commonwealth; but this provision shall not apply to any policy of life or endowment insurance or any annuity or pure endowment contract or any policy of accident or health insurance, issued by a foreign company authorized to transact life insurance or to transact life insurance and any or all of the classes of insurance specified in subdivision (a) or (d) of clause Sixth of section forty-seven.

Foreign companies to act through resident agents.

No person selling or financing the purchase or sale of any motor vehicle or trailer registered or to be registered in the commonwealth, or lending money upon such a motor vehicle or trailer as security, and no agent of any such person, shall deliver or cause or permit to be delivered to the purchaser or borrower any policy of insurance or bond issued or executed by such a foreign company insuring or covering him or his interest in such motor vehicle or trailer against any risk or hazard connected with such motor vehicle or trailer, or any certificate, memorandum or other instrument evidencing such insurance or coverage, whether or not the person making such sale or loan or financing such purchase or sale is also insured or covered under such policy or bond, unless such policy, bond or other instrument is countersigned by a lawfully constituted and licensed resident agent of such company in the commonwealth.

This section shall apply only to acts done and contracts made within the commonwealth.

Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Approved July 10, 1941.

AN ACT RELATING TO EXPENSES OF RECEIVERSHIPS OF INSOLVENT INSURANCE COMPANIES. *Chap. 452*

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by striking out section one hundred and seventy-nine, as amended by section two of chapter four hundred and seventy-two of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:— *Section 179.* In any proceeding in

G. L. (Ter. Ed.), 175, § 179, etc., amended.

Expenses of
receiverships.

which application is made by or at the relation of the commissioner for the appointment, either temporary or permanent, of a receiver of a company, the commissioner or one of his deputies or assistants may, in the discretion of the court, be appointed receiver, and when so appointed shall serve without compensation other than his official salary. When authorized in advance by the court, counsel and other assistants may be employed, and paid, from the assets of the company, such sums as the court may fix. Expenses other than those incurred for services in the settlement of the affairs of the company shall, subject to the approval of the court, be paid from its assets. Nothing contained in this section shall affect any provision of sections one hundred and eighty A to one hundred and eighty L, inclusive.

Approved July 10, 1941.

Chap. 453 AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID TOWN DURING THE YEAR NINETEEN HUNDRED AND FORTY-TWO THE STATE CONVENTION OF THE UNITED SPANISH WAR VETERANS.

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth may appropriate a sum, not exceeding fifteen hundred dollars, for the purpose of providing proper facilities for public entertainment at the time of the state convention of the United Spanish War Veterans, to be held in said town during the year nineteen hundred and forty-two, and of paying expenses incidental to such entertainment. Money so appropriated shall be expended under the direction of the selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1941.

Chap. 454 AN ACT RELATIVE TO THE AUDITING OF DISTRICT ACCOUNTS BY THE DIVISION OF ACCOUNTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 44, § 35,
amended.

Section thirty-five of chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "selectmen" in the tenth line the words: —, prudential committee or commissioners, — and by striking out, in the tenth and eleventh lines, the word "accounts" and inserting in place thereof the words: — or district accounts, as the case may be, — so as to read as follows: — *Section 35.* Any town and any fire, water, light or improvement district, at a meeting legally called therefor, may petition the director for an audit of its accounts or for the installation of an accounting system; and said director, as soon as possible after the receipt of such petition, shall cause such audit to be made or system of accounts to be installed. Any town or district, at a meeting

Auditing of
town and dis-
trict accounts.

legally called therefor, after such accounting system has been installed, may petition for subsequent audits, or may provide in its by-laws for periodical audits under the supervision of said director, who shall cause such audits to be made. The selectmen, prudential committee or commissioners may petition said director for an audit of the town or district accounts, as the case may be, when, in their opinion, the condition of the accounts is such as to warrant the making of such audit, and said director, as soon as possible after the receipt of such petition, shall cause such audit to be made.

Approved July 10, 1941.

AN ACT TO PROVIDE DEMONSTRATIONS IN FORESTRY PRACTICES AND TO ENCOURAGE THE REHABILITATION OF FOREST LANDS.

Chap. 455

Be it enacted, etc., as follows:

Chapter one hundred and thirty-two of the General Laws is hereby amended by striking out section six, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 6.* The forester may demonstrate to owners of woodland, free of charge, the proper methods of planting, weeding, selective cutting, pruning, thinning and other silvicultural practices for the establishment, improvement or regeneration of the forests. In connection with the distribution of trees under section nine, and in the distribution of trees for reforestation in water supply lands, town forests and other publicly-owned areas, the forester may withhold sale or distribution thereof until the land to be planted has been examined by him or his agent and approved for such planting. He may co-operate with the federal government in carrying out the purposes of this section and may accept on behalf of the commonwealth, and expend for such purposes, such federal funds as may be made available therefor. He may employ temporarily such technical foresters as he deems necessary to discharge his duties under this section and the employment of such persons shall not be subject to chapter thirty-one.

G. L. (Ter. Ed.), 132, § 6, amended.

Advice to owners of forests.

Approved July 10, 1941.

AN ACT PROVIDING FOR THE INCLUSION IN GROUP LIFE INSURANCE POLICIES OF A PROVISION ENTITLING CERTAIN EMPLOYEES TO NEW INSURANCE IN CASE OF THE TERMINATION OF THE POLICY.

Chap. 456

Be it enacted, etc., as follows:

Section one hundred and thirty-four of chapter one hundred and seventy-five of the General Laws is hereby amended by striking out provision 4, as most recently amended by chapter one hundred and seventy of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following provision:—

G. L. (Ter. Ed.), 175, § 134, etc., amended.

Group life
policies.

4. Except in the case of a policy issued under subdivision (c) of section one hundred and thirty-three, that the company will issue to the employer, for delivery to each employee whose life is insured under the policy, an individual certificate specifying his insurance coverage under the policy, the amount thereof and to whom payable, together with a provision to the effect that, in case of the termination of his employment for any reason whatsoever and also in case of the expiration or other termination of the policy after he has been insured thereunder for five or more years immediately preceding such expiration or termination of the policy, the employee shall continue to be insured after the termination of the employment or of the policy, as the case may be, for a period of thirty-one days, for the amount of the death benefit in force at the date of the termination of the employment or of the policy, as the case may be, and that he shall be entitled to have issued to him by the company, without evidence of insurability, upon written application in a form satisfactory to the company within said period of thirty-one days, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, an individual policy of life insurance, effective at the expiration of said period, in any one of the forms of life policies customarily issued by the company, except a term policy, for an amount equal to the amount of the insurance in force on his life under the group policy at the date of the termination of the employment or of the policy, as the case may be, or, at the option of the company in the case of any such termination of the policy, for an amount which shall in no event exceed the lesser of (1) the amount of such employee's insurance under such group life policy at the date of such termination of the policy less any amount of life insurance for which he may be or may become eligible under any group policy issued by the same or another company within thirty-one days after such termination of the policy and (2) two thousand dollars; and, for the purposes of this provision, the date of termination of the policy in case of its expiration by its own terms shall be the effective date of such expiration irrespective of any grace period specified in the policy for the payment of any premium falling due on such date.

Approved July 10, 1941.

Chap.457 AN ACT RELATIVE TO THE COMPENSATION OF THE CIVIL SERVICE COMMISSIONERS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide for the performance of further duties by members of the civil service commission during the approaching vacation period while other officers are absent, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section two A of chapter thirteen of the General Laws, inserted by section three of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Each commissioner, including the chairman, shall receive fifteen dollars a day while attending meetings of the commission, or while performing any duties of his office required of him by the chairman or by this chapter or chapter thirty-one, but not more than twelve hundred dollars shall be paid to any commissioner in any calendar year.

G. L. (Ter. Ed.), 13, § 2A, etc., amended.

Compensation.

Approved July 11, 1941.

AN ACT MAKING FURTHER PROVISIONS FOR THE ORGANIZATION AND EQUIPMENT OF THE NAVAL FORCES OF THE COMMONWEALTH.

Chap. 458

Be it enacted, etc., as follows:

Section one hundred and fifty-three of chapter thirty-three of the General Laws, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "authority" in the fourth line the words: — , or on vessels donated or loaned to or purchased by the commonwealth, — and by striking out, in the sixth line, the words "United States", — so as to read as follows: — *Section 153.* The duty of the naval militia may be performed afloat on vessels of the navy or on vessels or boats loaned by the secretary of the navy to the governor or other proper state authority, or on vessels donated or loaned to or purchased by the commonwealth, for the use of the naval militia. The appropriation for the furnishing, repair and care of any ships loaned to the commonwealth for the use of the naval militia shall be available for the payment of all damages and other expenses incident to the use of such ships. Claims for damages shall be paid only when approved by the adjutant general, and a release, in such form as he may prescribe, shall be obtained.

G. L. (Ter. Ed.), 33, § 153, etc., amended.

Naval forces, organization of.

Approved July 11, 1941.

AN ACT IMPOSING CHARGES FOR PRINTED COPIES OF RULES FOR THE CONSTRUCTION, INSTALLATION AND INSPECTION OF STEAM BOILERS.

Chap. 459

Be it enacted, etc., as follows:

Section two of chapter one hundred and forty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Such rules shall be submitted to the governor and council for their approval, and when approved shall have the force of

G. L. (Ter. Ed.), 146, § 2, amended.

Rules affect-
ing boilers.

law, shall be printed and shall be furnished, upon request, free of charge, to users, manufacturers and insurers of boilers, and persons licensed under this chapter, and at a charge of twenty-five cents to all other persons requesting them, — so as to read as follows: — *Section 2.* The board shall formulate rules for the construction, installation and inspection of steam boilers, and for ascertaining the safe working pressure to be carried therein; prescribe tests, if it deems it necessary, to ascertain the qualities of materials used in the construction of boilers; formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, the construction, use and location of fusible safety plugs, appliances for indicating the pressure of steam and the level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers; and make a standard form of certificate of inspection. The attorney general shall assist the board in framing the rules. Such rules shall be submitted to the governor and council for their approval, and when approved shall have the force of law, shall be printed and shall be furnished, upon request, free of charge, to users, manufacturers and insurers of boilers, and persons licensed under this chapter, and at a charge of twenty-five cents to all other persons requesting them.

Approved July 11, 1941.

Chap. 460 AN ACT MAKING COMMON CARRIERS LIABLE FOR DEATHS OF PASSENGERS RESULTING FROM THE WILFUL, WANTON OR RECKLESS ACTS OF THEMSELVES OR THEIR AGENTS OR SERVANTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 229,
§ 2, amended.

Damages for
death by
negligence
of common
carrier.

SECTION 1. Section two of chapter two hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "negligence" in the third line the words: — or wilful, wanton or reckless act, — and by inserting after the word "carelessness" in the fourth line the words: — , or the wilful, wanton or reckless act, — so as to read as follows: — *Section 2.* If the proprietor of a common carrier of passengers, except a railroad corporation or street railway or electric railroad company, by reason of his or its negligence or wilful, wanton or reckless act, or by reason of the unfitness or gross negligence or carelessness, or the wilful, wanton or reckless act, of his or its servants or agents, causes the death of a passenger, he or it shall be liable in damages in the sum of not less than five hundred nor more than five thousand dollars, to be assessed with reference to the degree of culpability of the defendant or of his or its servants or agents, and recovered and distributed as provided in section one, and to the use of the persons and in the proportions, therein specified.

G. L. (Ter.
Ed.), 229,
§ 3, amended.

SECTION 2. Section three of said chapter two hundred and twenty-nine, as so appearing, is hereby amended by

inserting after the word "negligence" in the second line the words: — or wilful, wanton or reckless act, — and by inserting after the word "negligence" in the second and third lines the words: — , or the wilful, wanton or reckless act, — so that the first sentence will read as follows:— If a corporation operating a railroad, street railway or electric railroad, by reason of its negligence or wilful, wanton or reckless act, or of the unfitness or negligence, or the wilful, wanton or reckless act, of its agents or servants while engaged in its business, causes the death of a passenger, or of a person in the exercise of due care who is not a passenger or in the employment of such corporation, it shall be punished by a fine of not less than five hundred nor more than ten thousand dollars, to be recovered by an indictment prosecuted within one year after the time of the injury which caused the death, which shall be paid to the executor or administrator, and distributed as provided in section one; but a corporation which operates a railroad shall not be so liable for the death of a person while walking or being upon its railroad contrary to law or to the reasonable rules and regulations of the corporation, and one which operates an electric railroad shall not be so liable for the death of a person while so walking or being on that part of its railroad not within the limits of a highway.

Penalty on
certain cor-
porations.

Approved July 11, 1941.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO EXTEND ITS POLICE PATROL TO THE QUABBIN RESERVOIR.

Chap.461

Be it enacted, etc., as follows:

The metropolitan district commission, on behalf of the commonwealth, is hereby authorized to supply or furnish metropolitan district police to properly patrol and safeguard the Quabbin Reservoir, so called. For this purpose said commission may expend such sums as may hereafter be appropriated and such sums shall be a part of, and assessed as, maintenance cost of the metropolitan water district.

Approved July 11, 1941.

AN ACT RELATIVE TO THE TESTING OF PICK CLOCKS USED IN TEXTILE FACTORIES.

Chap.462

Be it enacted, etc., as follows:

Section forty-one of chapter ninety-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "sealed" in the sixth line the following: — , excepting that pick clocks on looms in textile factories, required by section one hundred and fifty-six of chapter one hundred and forty-nine, shall be tested on the request of either an employer or an employee, or both, or, in any event, at the discretion of the commis-

G. L. (Ter.
Ed.), 98, § 41,
amended.

Annual tests
and sealing.

sioner of labor and industries or his authorized representative, — so as to read as follows: — *Section 41.* Sealers shall annually give public notice, by advertisement or by posting notices in one or more public places in their towns or districts, to all inhabitants, or persons having usual places of business therein, using weighing or measuring devices for the purpose of buying or selling goods, wares or merchandise, for public weighing or for hire or reward, to bring them in to be tested, adjusted and sealed, excepting that pick clocks on looms in textile factories, required by section one hundred and fifty-six of chapter one hundred and forty-nine, shall be tested on the request of either an employer or an employee, or both, or, in any event, at the discretion of the commissioner of labor and industries or his authorized representative. Such sealers shall attend in one or more convenient places, and shall adjust, seal or condemn such devices in accordance with the results of their tests, and shall make a record thereof.

Approved July 11, 1941.

Chap. 463 AN ACT AUTHORIZING THE SALE OF CERTAIN LAND OWNED BY THE COMMONWEALTH IN THE TOWN OF FRAMINGHAM HELD FOR MILITARY PURPOSES AND NO LONGER NEEDED THEREFOR, AND INCREASING THE AREA OF THE MEMORIAL PLOT AT THE STATE CAMP GROUND, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. The armory commission and the commission on administration and finance, acting as a joint board, are hereby authorized, subject to the approval of the governor and subject also to section two of this act, to sell and convey the property, or any part or parts thereof, owned by the commonwealth in the town of Framingham and known as the Framingham Muster Field or the State Camp Ground, and which is no longer needed for military purposes.

SECTION 2. The property to be sold and conveyed as authorized by this act shall be exclusive of land surrounding the present memorial monument located on said State Camp Ground which may be set apart by the armory commission, with the approval of the governor and council, for use as a park under authority of chapter three hundred and eighty-one of the acts of nineteen hundred and thirty-nine, and the area of land that may be so set apart under said chapter three hundred and eighty-one is hereby increased from twenty-five hundred square feet to forty thousand square feet.

SECTION 3. Land sold under authority of this act shall be sold only after the intention to sell the same shall have been advertised once in each of three successive weeks preceding the date of such proposed sale in a newspaper published in the town of Framingham, and, except in case of the sale thereof to said town of Framingham, only after the receipt of sealed bids opened in public. Such land shall be conveyed

upon payment to the state treasurer of the purchase price, and there shall be included in the deed a statement that the provisions of this act have been complied with.

Approved July 11, 1941.

AN ACT AUTHORIZING THE ACQUISITION BY THE METROPOLITAN DISTRICT COMMISSION, FOR WATER SUPPLY PURPOSES, OF CERTAIN LAND OWNED BY THE TOWN OF ARLINGTON. Chap. 464

Be it enacted, etc., as follows:

The metropolitan district commission, on behalf of the commonwealth, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and the town of Arlington is hereby authorized to sell and convey to the commonwealth, for metropolitan water supply purposes, a certain parcel of land, two hundred feet square, situated upon Turkey Hill, so called, in said town and acquired by said town for water purposes by order of taking dated September twenty-second, nineteen hundred and thirteen, and recorded with Middlesex South District Deeds September thirtieth, nineteen hundred and thirteen, Book 3826, Page 149, and also a right or easement to use, for water supply purposes and as a way or otherwise, a certain parcel of land forty feet wide extending from Dodge street to said first mentioned parcel of land, being a portion of the land acquired by said town for park purposes by order of taking dated September twenty-second, nineteen hundred and thirteen, and recorded with said Deeds, September thirtieth, nineteen hundred and thirteen, Book 3826, Page 147, and being located substantially as shown upon a plan entitled "Commonwealth of Massachusetts — Metropolitan District Commission Water Division — Northern Extra High Service Pipe Lines — Proposed Standpipe, Force Main and Access Road. Turkey Hill-Arlington Scale 1" = 40' January 1941" on file in the office of the town engineer of said town. For said purposes said commission may expend such sums as may be appropriated therefor, which shall be apportioned and assessed upon the cities and towns of the metropolitan water district in the manner provided by section twenty-six of chapter ninety-two of the General Laws.

Approved July 14, 1941.

AN ACT RELATIVE TO THE DEVELOPMENT AND USE BY CITIES AND TOWNS OF SOURCES OF WATER SUPPLY WITHIN THEIR OWN LIMITS. Chap. 465

Be it enacted, etc., as follows:

SECTION 1. Section thirty-eight of chapter forty of the General Laws, as amended by section two of chapter one hundred and seventy-two of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding at the end the following new paragraph: —

G. L. (Ter. Ed.), 40, § 38, etc., amended.

Purchase of
water supply
restricted.

Nothing in this section shall be construed as authorizing any city or town, any part of which is within ten miles of the state house, or any water company owning a water supply system in any such city or town, except in case of emergency, to use, for domestic purposes, water in contravention of any provision of chapter ninety-two, and no such city, town or water company shall purchase water, except in case of emergency, from any municipality without written permission so to do by the metropolitan district commission.

G. L. (Ter.
Ed.), 40,
§ 39A, etc.,
amended.

Establish-
ment of
water supply.

SECTION 2. Said chapter forty is hereby further amended by striking out section thirty-nine A, inserted by section three of said chapter one hundred and seventy-two, and inserting in place thereof the following section: — *Section 39A.* A town, by a majority of its voters present and voting thereon at a town meeting at which the voting list shall be used, may establish a water supply or water distributing system and maintain and operate the same, in accordance with sections thirty-nine B to thirty-nine G, inclusive; but no such system shall be established to supply water in any town while the inhabitants of any part thereof are being served directly by a water company or a water supply district, water district, or fire district supplying water to its inhabitants, except in accordance with section thirty-eight or with special law. Any town may vote to authorize its board of selectmen to act as water commissioners, with all the powers and duties of such commissioners, until water commissioners shall be elected as hereinafter provided. A town which has so voted may, at an annual town meeting, or at a special town meeting called for the purpose and held at least thirty days before the next annual town meeting, vote that at such next annual town meeting water commissioners shall be elected.

Approved July 14, 1941.

Chap. 466 AN ACT ABOLISHING THE DIVISION OF METROPOLITAN PLANNING OF THE METROPOLITAN DISTRICT COMMISSION AND TRANSFERRING ITS POWERS AND DUTIES TO THE STATE PLANNING BOARD.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to avoid unnecessary duplication in government agencies and services; and also would extend the existence of the division of metropolitan planning beyond the period for which appropriations are provided therefor; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Division of
metropolitan
planning
abolished.

SECTION 1. The division of metropolitan planning of the metropolitan district commission is hereby abolished. All of the powers, duties and obligations of said division are hereby transferred to and shall hereafter be exercised and performed by the state planning board.

SECTION 2. All employees of said division shall be transferred to the state planning board and shall continue to perform their usual duties upon the same terms and conditions as heretofore without further examination and without impairment of seniority rights but otherwise shall be subject to civil service laws and rules where they apply.

Transfer of employees.

SECTION 3. All maps, charts, plans, records and all other equipment in the possession of said division or of any member or officer thereof shall be delivered to the said state planning board.

Records, etc.

SECTION 4. When used in any statute, rule or regulation, the phrase "the division of metropolitan planning of the metropolitan district commission", or any words connoting the same, shall mean the state planning board, unless a contrary intent clearly appears.

SECTION 5. Chapter six of the General Laws is hereby amended by striking out section forty-nine, as most recently amended by section one of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section:— *Section 49.* There shall be a state planning board of ten members, in this section and in sections fifty to fifty-two, inclusive, called the board, consisting of the commissioner of public works, the commissioner of public health, the commissioner of conservation, the commissioner of the metropolitan district commission, and six members appointed by the governor, with the advice and consent of the council, one of whom shall be designated by the governor as chairman. Any of said commissioners may, if he so elects, designate a person from the personnel of his department to represent him on the board. Any designation of his representative by a commissioner as aforesaid shall be made by a writing filed in his office, and shall be effective for such period as he may prescribe therein, and may at any time be revoked by him. The members and employees of the board shall receive their traveling and other necessary expenses incurred in the performance of their duties. Upon the expiration of the term of office of an appointive member, his successor shall be appointed in the manner aforesaid to serve for six years. The board may employ an executive secretary who may be a member of the board, and a chief engineer, and may appoint such assistants and temporary technical advisers as the work of the board may require. Such temporary technical advisers shall not be subject to chapter thirty-one and may be removed by the board at any time.

G. L. (Ter. Ed.), 6, § 49, etc., amended.

State planning board.

SECTION 6. Sections five and six of chapter twenty-eight of the General Laws, as appearing in the Tercentenary Edition, are hereby repealed.

G. L. (Ter. Ed.), 28, §§ 5 and 6, repealed.

SECTION 7. Said chapter six is hereby further amended by inserting after section fifty, inserted by section two of chapter four hundred and seventy-five of the acts of nineteen hundred and thirty-five, the following new section:— *Section 50A.* Said board shall investigate and make

G. L. (Ter. Ed.), 6, new section 50A, added.

Investigations,
duties in
respect
thereto.

recommendations as to transportation service and facilities within the district consisting of all the cities and towns in the metropolitan sewer districts, and the metropolitan parks district, and the co-ordination thereof upon highways, roads, bridges, waterways, railroads, street railways and other arteries of traffic; the manner of effecting such co-relationship and what improvements and new facilities should be provided for a comprehensive and co-ordinated development of transportation for said district. It shall confer with the local planning agencies in said district with regard to such projects as are not of an exclusively local character. It shall recommend the method of carrying into effect and financing the projects recommended by it, and shall make such maps, plans and estimates of cost as may be needed for its investigations and reports, and may employ such assistants therefor as it deems necessary. It may sell such maps or other maps prepared by it from time to time in connection with the work under its charge at such prices and on such conditions as it may determine. The various other departments, boards and divisions of the commonwealth, the public trustees, respectively, of the Boston Elevated Railway Company and of the Eastern Massachusetts Street Railway Company, the street commissioners, planning boards and other officials of cities and towns comprising said district, and the various public utilities operating therein may consult with it and furnish all facts and information requested within their knowledge or control.

Temporary
provisions.

SECTION 7A. On and after the effective date of this act, the state planning board shall consist of the members constituting its membership immediately prior to said effective date, together with the commissioner of the metropolitan district commission added as a member, ex officio, by section five, and the appointed members of said board in office on said date shall continue to hold office in accordance with the terms of their respective appointments.

Effective
date.

SECTION 8. This act shall take effect on September first in the current year.

Approved July 14, 1941.

Chap. 467 AN ACT EXEMPTING FROM TAXATION CERTAIN PERSONAL PROPERTY OF CERTAIN FOREIGN INSURANCE CORPORATIONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 59, § 5,
etc., amended.

Section five of chapter fifty-nine of the General Laws, as amended, is hereby further amended by striking out clause Sixteenth, as most recently amended by section one of chapter three hundred and sixty-two of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following clause:—

Taxation of
certain prop-
erty of foreign
insurance
companies.

Sixteenth, Property, other than real estate, poles, underground conduits, wires and pipes, and other than machinery used in manufacture or in supplying or distributing water,

owned by Massachusetts savings banks or co-operative banks, by Massachusetts corporations subject to taxation under chapter sixty-three except domestic business corporations as defined in section thirty of said chapter or domestic manufacturing corporations, as defined in section thirty-eight C of said chapter, or by foreign corporations subject to taxation under section twenty, section twenty-three or section fifty-eight of said chapter; provided, that, in the case of property owned by foreign corporations subject to taxation under said section twenty or under said section twenty-three, the laws of the state of incorporation, or, in the case of foreign corporations of other nations, the laws of the state where they have elected to establish their principal office in the United States, grant similar exemption from taxation of tangible property owned by like corporations organized under or created by the laws of the commonwealth; also property, other than real estate, poles, underground conduits, wires and pipes, and other than machinery used in the conduct of the business, owned by domestic business corporations or by foreign corporations, as defined in section thirty of chapter sixty-three; also property, other than real estate, poles, underground conduits, wires and pipes, owned by domestic manufacturing corporations, as defined in section thirty-eight C of said chapter, or by foreign manufacturing corporations, as defined in section forty-two B of said chapter; provided, that the term "machinery used in the conduct of the business" shall not, as herein used, be deemed to include stock in trade and that the classification by the commissioner of domestic business corporations and foreign corporations, as defined in section thirty of chapter sixty-three, of domestic manufacturing corporations, as defined in section thirty-eight C of said chapter, and of foreign manufacturing corporations, as defined in section forty-two B of said chapter, shall be followed in the assessment under this chapter of machinery used in the conduct of the business. *Approved July 14, 1941.*

AN ACT RELATIVE TO CONDITIONAL SALES OF TEXTILE AND OTHER MACHINERY, SEATS FOR THEATRES AND OTHER PLACES OF PUBLIC ASSEMBLY, AND PARTS, ACCESSORIES, APPLIANCES AND EQUIPMENT THEREFOR.

Chap. 468

Be it enacted, etc., as follows:

Chapter two hundred and fifty-five of the General Laws is hereby amended by inserting after section thirteen G, inserted by section two of chapter five hundred and nine of the acts of nineteen hundred and thirty-nine, the following new section:— *Section 13H.* Sections twelve, thirteen, thirteen A, thirteen D, thirteen E, thirteen F and thirteen G shall not apply to conditional sales of textile machinery or of other machinery used in manufacturing, or of seats for theatres, halls, parks and places of public assembly, or of

G. L. (Ter. Ed.), 255, new section 13H, added.

Application of certain sections of the chapter to sales of machinery, etc.

parts, accessories, appliances or equipment for any of the foregoing, or to any contracts, leases, receipts or other instruments evidencing or affecting such conditional sales or to the rights, duties or obligations of the parties to such contracts, leases, receipts or other instruments.

Approved July 14, 1941.

Chap. 469 AN ACT AUTHORIZING THE CITY OF BEVERLY TO TAKE BY EMINENT DOMAIN FOR PUBLIC AIRPORT PURPOSES CERTAIN PROPERTY IN THE TOWN OF DANVERS.

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly may take by eminent domain under chapter seventy-nine of the General Laws property located in the town of Danvers and hereinafter described, for any one or more of the purposes of establishing, maintaining and operating thereon a public airport, but said property shall not be taken as aforesaid unless such taking shall have previously been authorized by the city council of said city, nor until an appropriation of money, to be raised by loan or otherwise, shall have been made for the purpose by a two thirds vote of the city council of said city. The property which may be taken under authority of this section is bounded and described as follows:—

Beginning at a point marked "A" on a plan entitled "Plan of Land located in Danvers, Mass. necessary for proposed development of the Beverly Municipal Airport" dated March, nineteen hundred and forty-one, made by Albert H. Richardson, commissioner of public works, and filed in the office of the city clerk of the city of Beverly, said point "A" being at the corner of land owned by Stafford N. Hennigar and Gordon P. Putnam, thence running in a northeasterly direction along land of said Putnam about two hundred and eighty feet to a point marked "B" on said plan, thence turning and running in an easterly direction along land of said Putnam about four hundred and eighty-one feet to a point marked "C" on said plan, said point "C" being at the intersection of line "B — C" on said plan and the Danvers-Beverly line, thence turning and running in a southerly direction along the Beverly-Danvers line and along land owned by the city of Beverly, Gordon P. Putnam and H. P. Hood & Sons, Inc. about forty-one hundred and sixty-five feet to a point marked "D" on said plan, thence turning and running in a westerly direction along land of H. P. Hood & Sons, Inc. about ten hundred and five feet to a point marked "E" on said plan, thence turning and running in a northwesterly direction along land of said H. P. Hood & Sons, Inc., and the J. Brown estate nine hundred feet to a point marked "F" on said plan, thence continuing in a northwesterly direction along land of said J. Brown estate about two hundred and ten feet to a point marked "G" on said plan, thence turning and running in a northerly

direction along land of Stafford N. Hennigar and said J. Brown estate six hundred and ninety-seven and forty-six hundredths feet to a point marked "H" on said plan, thence turning and running in an easterly direction along land of Davis Casey two hundred and ninety-nine and sixty-three hundredths feet to a point marked "I" on said plan, thence turning and running in a northerly direction along land of said Casey thirteen hundred and sixty-one and thirty-four hundredths feet to a point marked "J" on said plan, thence turning and running in a westerly direction along land of said Casey eighty-one and sixty-four hundredths feet to a point marked "K" on said plan, thence turning and running in a northerly direction along Burley street thirteen hundred and seventy-five and twenty-one hundredths feet to the point of beginning.

SECTION 2. This act shall take effect upon its passage and shall become inoperative on April first, nineteen hundred and forty-three, unless prior to said date the taking of property hereby authorized has been made.

Approved July 15, 1941.

AN ACT PROVIDING FOR, AND REGULATING THE SALARY OF, Chap. 470
A THIRD ASSISTANT DISTRICT ATTORNEY AND A DEPUTY
DISTRICT ATTORNEY IN THE SOUTHERN DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter twelve of the General Laws, as most recently amended by section one of chapter four hundred and fifty-eight of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the next to the last paragraph and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 12, § 14, etc., amended.

For the southern district, an assistant district attorney, a second assistant district attorney and a third assistant district attorney; and, if in the opinion of the district attorney the interests of the commonwealth require, with the approval of the chief justice of the superior court, a deputy district attorney.

Assistant district attorney, etc., southern district.

SECTION 2. Section sixteen of said chapter twelve is hereby further amended by striking out the next to the last paragraph, as most recently amended by section two of chapter two hundred and seventy-nine of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 12, § 16, etc., amended.

For the southern district, assistant, three thousand six hundred dollars; second assistant, three thousand dollars; third assistant, twenty-five hundred dollars; deputy district attorney, such compensation as shall be fixed by the district attorney with the approval of the chief justice of the superior court.

Salaries.

SECTION 3. This act shall take effect upon its passage.

Effective date.

Approved July 15, 1941.

Chap.471 AN ACT AUTHORIZING THE LYNNFIELD CENTER WATER DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of extending its water mains and improving its water distribution facilities, the Lynnfield Center Water District, of Lynnfield, may borrow, from time to time within five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Lynnfield Center Water District Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred hereunder shall be outside the statutory limit of indebtedness, but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1941.

Chap.472 AN ACT RELATIVE TO NOMINATIONS FOR MUNICIPAL ELECTIVE OFFICES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section fifty-three of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as most recently amended by section one of chapter one hundred and five of the acts of nineteen hundred and twenty-six, is hereby further amended by striking out, in the sixth line, the word "sixth" and inserting in place thereof the word: — eighth, — so that the first paragraph will read as follows: — Any registered voter who is qualified to vote for a candidate for any municipal elective office in such city may be a candidate for nomination thereto, and his name as such candidate shall be printed on the official ballot to be used at the municipal election; provided, that at or before five o'clock P.M. of the eighth Tuesday prior to such election nomination papers prepared and issued by the election commissioners, signed in person for the nomination for mayor by at least three thousand registered voters in said city qualified to vote for such candidate at said election, signed in person for the nomination for school committee by at least two thousand registered voters in said city qualified to vote for such candidate at said election and signed in person for the nomination for city councillor by at least three hundred registered voters in the ward, for which said nomination is sought, qualified to vote for such candidate at said election shall be filed with said election commissioners and the signatures on the same to the number required to make the nomination subsequently certified by the elec-

tion commissioners as hereinafter provided. Said nomination papers shall be in substantially the following form:

SECTION 2. Section fifty-four of said chapter four hundred and eighty-six, as most recently amended by section two of said chapter one hundred and five, is hereby further amended by striking out, in the eleventh line, the word "ninth" and inserting in place thereof the word: — eleventh, — so as to read as follows: — *Section 54.* If a candidate nominated as aforesaid dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by a committee of not less than five persons, or a majority thereof, if such committee be named, and so authorized in the nomination papers. Nomination papers shall not include candidates for more than one office. Every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto and no more. Nomination papers shall be issued by the board of election commissioners on and after but not before the eleventh Tuesday preceding the regular municipal election. Such papers shall be issued only to candidates who shall file with the election commissioners requests therefor in writing, containing their names with the first or middle name in full, the offices for which they are candidates, and their residences, with street and number, if any. Forthwith the election commissioners shall print or insert on such nomination papers the names of the candidates, the offices for which they are nominated and their residences, with street and number, if any. Not more than three hundred such nomination papers shall be issued to any candidate for mayor, and not more than two hundred such nomination papers shall be issued to any candidate for the school committee and to any candidate for the city council there shall be issued not more than ten such nomination papers for a ward. No nomination papers except those issued in accordance with the provisions of this section shall be received or be valid.

SECTION 3. Section fifty-six of said chapter four hundred and eighty-six, as most recently amended by section three of said chapter one hundred and five, is hereby further amended by striking out, in the fourteenth line, the word "twentieth" and inserting in place thereof the word: — thirty-fourth, — by striking out, in the nineteenth line, the word "fourteenth" and inserting in place thereof the word: — twenty-eighth, — and by striking out, in the twenty-second line, the word "thirteenth" and inserting in place thereof the word: — twenty-seventh, — so as to read as follows: — *Section 56.* The names of candidates appearing on nomination papers shall when filed be a matter of public record; but the nomination papers shall not be open to public inspection until after certification. After such nomination papers have been filed, the election commissioners shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same.

They shall not certify a greater number of names than are required to make a nomination, with one tenth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid. The election commissioners shall complete such certification on or before five o'clock P.M. on the thirty-fourth day preceding the city election. Such certification shall not preclude any voter from filing objections as to the validity of the nomination. All withdrawals and objections to such nominations shall be filed with the election commissioners on or before five o'clock P.M. on the twenty-eighth day preceding the city election. All substitutions to fill vacancies caused by withdrawal or ineligibility shall be filed with the election commissioners on or before five o'clock P.M. on the twenty-seventh day preceding the city election.

G. L. (Ter. Ed.), 53, § 10, etc., amended.

SECTION 4. The second paragraph of section ten of chapter fifty-three of the General Laws, as most recently amended by chapter two hundred and seventy-eight of the acts of nineteen hundred and forty-one, is hereby further amended by inserting after the word "city", the second time it occurs in the sixth line, the words: —, except Boston, — and by inserting after the word "city" in the tenth line the words: —, except Boston, — so as to read as follows: —

Time for filing certificates of nomination and nomination papers.

In any city which does not accept section one hundred and three A of chapter fifty-four, certificates of nomination for city offices and nomination papers shall be filed on or before the twenty-first day preceding the day of the election, except as otherwise provided in any special law affecting such city. In any city, except Boston, which accepts said section one hundred and three A, certificates of nomination and nomination papers for any regular city election shall be filed on or before the twenty-eighth day preceding such city election. In any such city, except Boston, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven of this chapter, notwithstanding any contrary provision in any special law. In any city where primaries are held, under authority of general or special law, for the nomination of candidates for city offices, certificates of nomination and nomination papers shall be filed not later than the last day fixed for the filing of nomination papers for such primaries.

Effective date.

SECTION 5. This act shall take effect upon its passage.

Approved July 15, 1941.

Chap. 473

AN ACT RELATIVE TO BUDGETS IN CITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 44, new section 31A, added.

SECTION 1. Chapter forty-four of the General Laws is hereby amended by inserting after section thirty-one, as appearing in the Tercentenary Edition, the following new sec-

tion: — *Section 31A.* Every officer of any city except Boston having charge of, or jurisdiction over, any office, department or undertaking, requesting an appropriation shall, between November first and December first of each year, furnish the mayor and the city auditor, or officer having similar duties, on forms provided by the city auditor or officer having similar duties, and approved by the division of accounts in the department of corporations and taxation, detailed estimates of the full amounts deemed necessary for the then ensuing year for the ordinary maintenance of the office, department or undertaking under his charge or jurisdiction, and for expenditures other than the ordinary maintenance, with the amounts, if any, expended for similar purposes during the then preceding year and during the first ten months of the then current year, and an estimate of the amounts required to be expended for such purposes during the last two months of the then current year, giving explanatory statements of any differences between the amount of any estimate for the then ensuing year and the amount expended or estimated to be required as aforesaid.

Budgets
in cities.

The information hereby required to be furnished shall set forth the number of permanent or temporary employees, or both, requested in each classification or rating in the then ensuing year and the number of permanent or temporary employees, or both, employed on October thirty-first of the then current year, or the nearest week-end thereto, except laborers and persons performing the duties of laborers, with the annual, monthly, weekly or hourly compensation of such employees, and shall state whether such compensation is fixed by ordinance or otherwise and whether or not such employees are subject to chapter thirty-one.

The foregoing shall not prevent any city, upon recommendation of the mayor, from so setting forth the number of permanent or temporary laborers and persons performing the duties of laborers, or both such permanent and temporary laborers and persons, with the annual, monthly, weekly or hourly compensation of such employees.

The city auditor, or officer having similar duties, shall forthwith at the close of each year furnish the mayor with a written report of the money received from estimated receipts applicable to the payment of expenditures of that year, with an estimate of such receipts for the next succeeding year.

SECTION 2. Said chapter forty-four is hereby further amended by striking out section thirty-two, as most recently amended by section sixteen of chapter three hundred and seventy-eight of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 32.* Within forty-five days after the annual organization of the city government in any city other than Boston, the mayor shall submit to the city council the annual budget which shall be a statement of the amounts recommended by him for the proposed expenditures of the

G. L. (Ter.
Ed.), 44, § 32,
etc., amended.

Mayors, etc.,
of certain
cities to sub-
mit annual
budgets.

city for the then current year. The annual budget shall be classified and designated so as to show separately with respect to each officer, department or undertaking for which an appropriation is recommended: —

(1) Ordinary maintenance, which shall also include debt and interest charges matured and maturing during the year, and shall be subdivided as follows: —

(a) Salaries and wages of officers, officials and employees other than laborers or persons performing the duties of laborers; and

(b) Ordinary maintenance not included under (a); and

(2) Proposed expenditures for other than ordinary maintenance, including additional equipment the estimated cost of which exceeds three hundred dollars.

The foregoing shall not prevent any city, upon recommendation of the mayor and with the approval of the council, from adopting additional classifications and designations.

The city council may by majority vote make appropriations for the purposes recommended and may reduce or reject any amount recommended in the annual budget, but, except on recommendation of the mayor, shall not increase any amount in or the total of the annual budget, nor add thereto any amount for a purpose not included therein, except as provided in section thirty-three. Except as otherwise permitted by law, all amounts appropriated by the city council, as provided in this section, shall be for the purposes specified. In setting up an appropriation order or orders based on the annual budget, the council shall use, so far as possible, the same classifications required for the annual budget. If the council fails to take action with respect to any amount recommended in the annual budget, either by approving, reducing or rejecting the same, within forty-five days after the receipt of the budget, such amount shall without any action by the council become a part of the appropriations for the year, and be available for the purposes specified.

If, upon the expiration of forty-five days after the annual organization of the city government, the mayor shall not have submitted to the city council the annual budget for said year, the city council shall within thirty days upon its own initiative prepare the annual budget, and such preparation shall be subject to the same requirements as the mayor's annual budget, so far as apt.

Within fifteen days after such preparation of the annual budget, the city council shall proceed to act by voting thereon and all amounts so voted shall thereupon be valid appropriations for the purposes stated therein to the same extent as though based upon a mayor's annual budget, but subject, however, to such requirements, if any, as may be imposed by law.

If the council fails to take action with respect to any amount recommended in the budget, either by approving, reducing or rejecting the same, within fifteen days after such

preparation, such amount shall, without further action by the council, become a part of the appropriations for the year, and be available for the purposes specified.

Nothing in this section shall prevent the city council, acting upon the written recommendation of the mayor, from voting appropriations, not in excess of the amount so recommended, either prior or subsequent to the passage of the annual budget.

The provisions of this section shall apply, in any city adopting the Plan E form of government under chapter forty-three, only to the extent provided by section one hundred and four of said chapter.

Neither the annual budget nor appropriation orders based thereon shall be in such detail as to fix specific salaries of employees under the direction of boards elected by the people, other than the city council.

SECTION 3. Said chapter forty-four is hereby further amended by striking out section thirty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 33.* In case of the failure of the mayor to transmit to the city council a written recommendation for an appropriation for any purpose not included in the annual budget, which is deemed necessary by the council, after having been so requested by vote thereof, said council, after the expiration of seven days from such vote, upon its own initiative may make such appropriation by a vote of at least two thirds of its members, and shall in all cases clearly specify the amount to be expended for each particular purpose, but no appropriation may be voted hereunder so as to fix specific salaries of employees under the direction of boards elected by the people, other than the city council.

Approved July 15, 1941.

G. L. (Ter. Ed.), 44, § 33, amended.

Failure to recommend appropriation.

AN ACT RELATIVE TO THE COLLECTIVE INVESTMENT OF SMALL TRUST FUNDS. *Chap. 474*

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter two hundred and three the following new chapter, under the following heading: — CHAPTER 203A. COLLECTIVE INVESTMENT OF SMALL TRUST FUNDS. *Section 1.* Any individual or corporation holding property as trustee, guardian or conservator may establish and maintain one or more common trust funds as hereinafter defined, and may invest in participations in any such common trust fund established and maintained by him or it property held by him or it as such trustee, guardian or conservator, unless the instrument under which such property is held, or the decree appointing such trustee, guardian or conservator, otherwise provides, and no other property shall be so invested. Such participations shall be equal proportionate interests in the common trust fund. Each such common trust fund shall be admin-

G. L. (Ter. Ed.), new chapter 203A, added.

Common trust funds.

istered in accordance with a written declaration of trust which shall have been filed in the registry of probate in the county in which such individual or corporation resides or has his or its principal place of business, and such written declaration may provide that premiums paid on the purchase of interest bearing securities need not be amortized.

Notice to trustee.

Section 2. Prior to making the first investment of any such property held in a trust in participations in a common trust fund, notice of intention so to do shall be sent by the trustee by registered mail, postage paid, addressed to each person having a vested interest in such trust, and if any such person shall object in a writing received by the trustee within ten days from said mailing no such investment shall be made while such objection continues.

Consent of co-fiduciary.

Section 3. If the individual or corporation maintaining a common trust fund holds property as trustee, guardian or conservator together with a co-fiduciary or co-fiduciaries, investment of such property in participations in a common trust fund may be made only with the written consent of such co-fiduciary or co-fiduciaries and shall be withdrawn upon the written request of any such co-fiduciary.

Investment of funds regulated.

Section 4. No investment of funds of a common trust fund shall be made in stocks or bonds or other obligations of any one person which would cause the total amount of investment in stocks, bonds and other obligations issued or guaranteed by such person to exceed ten per cent of the value of the common trust fund, as determined by the trustee thereof; provided, that this limitation shall not apply to investments in obligations of the United States or in obligations for the payment of the principal and interest of which the faith and credit of the United States shall be pledged. No investment for a common trust fund shall be made in any one class of shares of stock of any one corporation or association which would cause the total number of such shares held by the common trust fund to exceed five per cent of the number of such shares outstanding. If the trustee thereof administers more than one common trust fund no investment shall be made which would cause the aggregate investment for all such common trust funds in shares of stock of any one corporation or association to exceed such limitation.

Annual account to be filed.

Section 5. An account of the administration of each common trust fund shall be filed annually in the registry of probate in which the declaration of trust has been filed and application for its allowance shall be made in accordance with section twenty-four of chapter two hundred and six. The allowance of such an account shall be conclusive as to all matters shown therein upon all persons then or thereafter interested in the funds invested in said common trust fund.

Participation in trust fund.

Section 6. A participation in a common trust fund shall be acquired or surrendered by any such trustee, guardian or conservator on payment in full of the proportion of the value of the assets of the common trust fund represented by the participation, as computed in good faith by the trustee

thereof at fair market value as of a date not more than two business days prior to the acquisition or surrender.

Section 7. No participation in a common trust fund shall be acquired by any trustee, guardian or conservator while any investment therein is such as would then not be a proper investment for a trustee or then not be readily marketable, or such as would result in any such trustee, guardian or conservator having participations in common trust funds of a total value in excess of twenty-five thousand dollars as computed in accordance with the provisions of the preceding section, or as would result in an inter vivos trust created after the date of said declaration of trust having a participation in common trust funds of a total value of less than four thousand dollars.

Investments regulated.

Section 8. Prior to any withdrawal from a common trust fund the trustee thereof shall determine what percentage of the value of the assets of the common trust fund is composed of cash and readily marketable securities, and if such trustee determines that, after effecting the withdrawals then contemplated, less than forty per cent of the value of the remaining assets of the common trust fund would be composed of cash and readily marketable securities, no withdrawals from the common trust fund shall be permitted as of the valuation date upon which such determination is made, except that ratable distribution upon all participations is not prohibited. Prior to any such withdrawal the trustee shall also determine whether any investment in the common trust fund is such as would then not be a proper investment for a trustee, and no withdrawal shall be permitted until any such improper investment shall have been eliminated from the common trust fund either through sale, distribution in kind, or segregation for the benefit ratable of all trusts then participating in the common trust fund.

Proceedings prior to withdrawal from fund.

Section 9. The trustee, guardian or conservator holding participations in a common trust fund shall be entitled to reasonable compensation for his or its services as such out of the funds held by such trustee, guardian or conservator, but to no extra or additional compensation out of the common trust fund or because of the investment therein of the funds by such trustee, guardian or conservator. No fee, commission or compensation whatsoever for management of a common trust fund shall be paid from any common trust fund.

Compensation of trustee, etc.

Section 10. The declaration of trust of a common trust fund may contain by reference or otherwise any or all of the provisions of this chapter and such other or further provisions as shall not be in conflict therewith.

Reference to chapter in declaration of trust.

Approved July 15, 1941.

Chap.475 AN ACT AUTHORIZING THE CITY OF CHICOPEE TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN.

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter two hundred and thirty-nine of the acts of eighteen hundred and ninety-seven is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Its members shall receive in full compensation for their services as members of the board of aldermen, or of any committee thereof, such salary as may be established by ordinance, but not exceeding three hundred dollars per annum for each member.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Chicopee at its regular municipal election in the current year, in the form of the following question, which shall be printed on the official ballot to be used at said election: — “Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled ‘An Act authorizing the city of Chicopee to compensate the members of its board of aldermen’, be accepted?” If a majority of the votes cast on said question is in the affirmative, this act shall take full effect on the first Monday of January, nineteen hundred and forty-two, otherwise it shall have no effect.

Approved July 15, 1941.

Chap.476 AN ACT REGULATING THE EXPENDITURE OF FUNDS RECEIVED FROM THE FEDERAL GOVERNMENT FOR ADMINISTRATIVE EXPENSES OF THE DIVISION OF UNEMPLOYMENT COMPENSATION AND TO PROVIDE FOR REPLENISHING SAID FUNDS IF THEY ARE USED CONTRARY TO CERTAIN FINDINGS OF THE FEDERAL SOCIAL SECURITY BOARD.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to prevent the receipt by the commonwealth of federal funds for the administration of the unemployment compensation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. All moneys received by the commonwealth under Title III of the Federal Social Security Act shall be expended solely for the purposes, and in the amounts found necessary by the Federal Social Security Board for the proper and efficient administration, of the unemployment compensation law of this commonwealth.

SECTION 2. If any moneys received after June thirtieth, nineteen hundred and forty-one from the Federal Social Security Board under said Title III of the Federal Social Security Act, or any unencumbered balances in the unem-

ployment compensation administration account created by section forty-two of chapter one hundred and fifty-one A of the General Laws, are found by said Social Security Board, because of any action or contingency, to have been lost or expended for purposes other than, or in amounts in excess of, those found necessary by said Social Security Board for the proper administration of said chapter one hundred and fifty-one A, the commonwealth shall replace such moneys by moneys appropriated for the purpose from the general revenue of the commonwealth to said unemployment compensation administration account for expenditures as provided by law. Upon receipt of notice of such finding by said Social Security Board the director of the division of unemployment compensation shall promptly report the amount required for such replacement to the governor who shall include said amount in the next budget for expenditures of the commonwealth, or by message to the general court request the inclusion of such amount in the next general, or in a special, appropriation bill. This section shall not be construed to relieve the commonwealth of its obligation with respect to unexpended balances on hand July first, nineteen hundred and forty-one received pursuant to the provisions of said Title III.

SECTION 3. This act shall become inoperative in the event of repeal by congress of the provisions contained in sections three hundred and three (a) (8) and three hundred and three (a) (9) of said Social Security Act, and it shall not be construed as exempting the division of unemployment compensation from any provisions of the General Laws or of the constitution applicable to administrative divisions of the commonwealth.

SECTION 4. This act shall take effect as of July first, nineteen hundred and forty-one.

Approved July 15, 1941.

AN ACT AUTHORIZING THE APPOINTMENT OF TEMPORARY PROBATION OFFICERS FOR DISTRICT COURTS. Chap. 477

Be it enacted, etc., as follows:

SECTION 1. Section eighty-nine of chapter two hundred and seventy-six of the General Laws, as amended by section two of chapter two hundred and seventeen of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end the following new paragraph:—

The justice of a district court, with the approval of the administrative committee of district courts, may, in the case of the death, removal, resignation or retirement of a probation officer, appoint a temporary probation officer for a single term not to exceed ninety days. Such temporary probation officer shall receive as compensation from the county an amount equal to that which would have been

G. L. (Ter. Ed.), 276, § 89, etc., amended.

Temporary probation officer.

paid, for a like period of service, to the officer who has died, resigned or retired or been removed.

Effective
date.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1941.

Chap. 478 AN ACT PROVIDING FOR THE ACQUISITION BY THE COMMONWEALTH OF THE FORD BUILDING PROPERTY LOCATED IN THE CITY OF BOSTON.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to enable the acquisition by the commonwealth of certain property prior to the expiration of an option thereon, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

For the purpose of providing additional accommodations for the departments, boards and commissions of the commonwealth whose offices are, or may be, situated in the city of Boston, and for any other necessary or convenient uses of the commonwealth in the transaction of its business, the commission on administration and finance, with the approval of the governor and council, is hereby authorized, on behalf of the commonwealth, to acquire the Ford Building property, located at the corner of Bowdoin street and Ashburton place in the city of Boston, and to make such alterations and improvements therein as may be necessary. Prior to July first, nineteen hundred and forty-six, office space in said building shall be used only by departments, boards and commissions of the commonwealth occupying quarters outside the state house on the effective date of this act. For said purpose, said commission may expend such sums, not exceeding, in the aggregate, one hundred and fifty-five thousand dollars, as may hereafter be appropriated therefor.

Approved July 16, 1941.

Chap. 479 AN ACT AUTHORIZING THE TOWN OF WORTHINGTON TO BORROW MONEY FOR SCHOOL PURPOSES AND TO ERECT A SCHOOL BUILDING ON THE TOWN COMMON.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of constructing a school building and of originally equipping and furnishing the same, the town of Worthington may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, ten thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Worthington School Building Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the

statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Said town is hereby authorized, notwithstanding any limitations contained in chapter forty-five of the General Laws, to build and maintain a school building on the town common, so called.

SECTION 3. This act shall take effect upon its passage.
Approved July 16, 1941.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES
TO ESTABLISH MINIMUM MILEAGE RATES FOR CERTAIN
SPECIAL OR CHARTERED BUSES.

Chap. 480

Be it enacted, etc., as follows:

Section eleven A of chapter one hundred and fifty-nine A of the General Laws, inserted by section one of chapter four hundred and four of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "same" in the seventeenth line, the following new sentence: — The department shall also establish minimum mileage rates for any such special or charter service operated in intrastate commerce within the commonwealth, and may revise, alter, amend or annul such rates, and in determining such rates the department shall consider as part of the rate base the elements of waiting service and type of equipment employed, — so that the first paragraph will read as follows: — No person shall operate any motor vehicle carrying eight or more persons upon any public way in special or charter service as hereinafter defined unless he shall have obtained from the department a license to engage in the business of rendering such service and certifying that the rendering of such service is consistent with the public interest and that the applicant is fit, willing and able properly to perform such service. The department may, after public hearing, grant or refuse to grant a license to engage in the business of rendering special or charter service and may, after notice and hearing, suspend or revoke such a license for cause. Any such license shall remain in force, except while so suspended, until so revoked. The department may make suitable and reasonable rules, orders and regulations covering the operation of motor vehicles both under section one and in such special or charter service and may revise, alter, amend or annul the same. The department shall also establish minimum mileage rates for any such special or charter service operated in intrastate commerce within the commonwealth, and may revise, alter, amend or annul such rates, and in determining such rates the department shall consider as part of the rate base the elements of waiting service and type of equipment employed. The term special or charter service, as used in this chapter,

G. L. (Ter. Ed.), 159A, § 11A, etc., amended.

Minimum mileage rates for certain buses.

is hereby defined to mean the operation for hire of any such motor vehicle leased, rented, used or chartered for the carriage of passengers in such a manner as not to be subject to section one, but shall not include the operation of a motor vehicle actually used for the transportation of school children under a contract with a municipality or municipal board or the operation of sightseeing automobiles licensed under chapter three hundred and ninety-nine of the acts of nineteen hundred and thirty-one.

Approved July 16, 1941.

Chap.481 AN ACT TO PROVIDE FOR THE CARE IN CERTAIN INSTITUTIONS FOR THE INSANE OF PERSONS IN THE MILITARY OR NAVAL FORCES OF THE UNITED STATES WHO ARE SUFFERING FROM MENTAL DISEASE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 123, § 84, amended.

Detention, etc., of insane persons in federal services.

Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section eighty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 84.* The superintendent of any state hospital for the insane, or of the McLean hospital, may receive for care and treatment any person in the military or naval service of the United States who is suffering from mental disease and cannot properly be cared for at the army post, naval station, air base or government hospital within the confines of the commonwealth where he is stationed or happens to be, upon the written application of the medical officer in charge, at such army post, naval station, air base or government hospital, who shall make a full statement of the case in such form as the department prescribes. Unless otherwise ordered by the proper military or naval authority, persons received into an institution under this section may be detained therein for a period not exceeding sixty days, except that further detention, if necessary, may be authorized by the department.

Approved July 16, 1941.

Chap.482 AN ACT RELATIVE TO EXEMPTION FROM THE PAYMENT OF LOCAL TAXES ON CERTAIN TANGIBLE PERSONAL PROPERTY IN STORAGE IN PUBLIC WAREHOUSES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 59, § 5, etc., amended.

Wearing apparel, utensils, etc., exemption from taxation.

Section five of chapter fifty-nine of the General Laws, as amended, is hereby further amended by striking out clause Twentieth, as amended by chapter one hundred and thirty-two of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following clause: —

Twentieth, The wearing apparel, farming utensils and cash on hand of every person and the tools of his trade if a mechanic, to any amount; and to an amount not exceeding a total value of one thousand dollars in respect to all the articles hereinafter specified in this clause, his household

furniture and effects, including jewelry, plate, works of art, musical instruments, radios and garage or stable accessories, in storage in a public warehouse kept and maintained under chapter one hundred and five or used or commonly kept in or about the dwelling of which he is the owner of record or for the use of which he is obligated to pay rent, and which is the place of his domicile, and boats, fishing gear and nets owned and actually used by him in the prosecution of his business if engaged exclusively in commercial fishing.

Approved July 16, 1941.

AN ACT FURTHER REGULATING THE BUSINESS OF TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE.

Chap. 483

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter one hundred and fifty-nine B of the General Laws, as appearing in section one of chapter four hundred and eighty-three of the acts of nineteen hundred and thirty-eight, is hereby amended by inserting after the word "operated" in the sixth line the following new sentence: — Each such plate shall be accompanied by a certificate issued by the department, which shall be in the possession of the driver at all times while operating and shall set forth the make, manufacturer's serial number, if any, and motor number, if any, of the vehicle with respect to which said plate shall be used, — so as to read as follows: — *Section 9.* A single distinguishing plate shall be prescribed and furnished by the department annually for each of the vehicles necessary for the conduct of the business of the holder of the certificate or permit, and said plates shall be prominently displayed on the front of each such vehicle whenever operated. Each such plate shall be accompanied by a certificate issued by the department, which shall be in the possession of the driver at all times while operating and shall set forth the make, manufacturer's serial number, if any, and motor number, if any, of the vehicle with respect to which said plate shall be used. As used in this and the following section, the word "vehicle" shall include a tractor, with or without a semi-trailer unit. No such plate shall be transferred from one vehicle to another, except upon authority and with the consent of the department and upon payment of a transfer fee of one dollar. The annual charge for each plate shall be five dollars.

G. L. (Ter. Ed.), 159B, § 9, etc., amended.

Distinguishing plate for business vehicles.

SECTION 2. Section ten of said chapter one hundred and fifty-nine B, as amended by chapter three hundred and six of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the twenty-fourth to the twenty-sixth lines, the words "The license of any person violating any provision of this section shall be revoked and the surrender of all plates issued to him shall be required", — so that the first paragraph, as so appearing, will read as follows: — Each interstate carrier by motor vehicle

G. L. (Ter. Ed.), 159B, § 10, etc., amended.

Interstate
carriers,
license, revo-
cation of.

transporting property over the ways within the commonwealth for compensation shall apply to the department for an interstate license as defined in section two. Each application for an interstate license shall be made in the same manner as provided in paragraph (a) of section three for applications for certificates and shall be accompanied by a fee of ten dollars. Such license shall be issued in the name of the applicant. One interstate registration plate shall be issued by the department annually to each such licensee for each vehicle of said licensee operating over such ways upon payment of a fee of five dollars per plate, shall bear an identifying number, and shall be displayed as provided in section nine. Each such plate shall be accompanied by a certificate issued by the department, which shall be in the possession of the driver at all times while operating within the commonwealth and shall set forth the make, manufacturer's serial number, if any, and motor number, if any, of the vehicle with respect to which said plate shall be used. Each such plate shall be non-transferable. Whoever uses any such plate on any vehicle other than the one for which it is issued, and whoever permits such a plate issued to him to be so used, shall be punished by a fine of one hundred dollars.

G. L. (Ter.
Ed.), 159B,
§ 11, etc.,
amended.

SECTION 3. Section eleven of said chapter one hundred and fifty-nine B, as appearing in said section one of said chapter four hundred and eighty-three, is hereby amended by striking out, in the tenth and eleventh lines, the words "section seventy-seven B of", — and by inserting after the word "partners" in the twenty-eighth line the following new sentence: — Upon application of an executor, administrator, guardian, conservator, assignee, trustee, receiver, surviving or remaining partner and upon payment of the fee required by this section the department may transfer such certificate, permit or license in accordance with the provisions of this chapter direct from the original holder to any person named in such application and approved by the department, — so as to read as follows: — *Section 11.* Any certificate, permit or license may be assigned and transferred, in whole or in part, with the approval and consent of the department, after a public hearing at which the proposed transferee shall have established to the satisfaction of the department his willingness, fitness and ability to perform or furnish transportation for compensation under such certificate, permit or license and under this chapter.

Transfer,
etc., of cer-
tificate.

In the event of the decease, incompetency, insolvency, bankruptcy or corporate reorganization under the bankruptcy law of the United States, of a holder of a certificate, permit or license under this chapter, the department, upon application of his executor, administrator, guardian, conservator, assignee, trustee or receiver and upon payment of the fee required by this section, shall conditionally transfer such certificate, permit or license to such fiduciary, pending the decision by the department as to the fitness, willingness and ability of said transferee to conduct the operations or busi-

ness authorized by said certificate, permit or license. In the event of the decease, incompetency, insolvency or bankruptcy of a member of a partnership holding such a certificate, permit or license, the department, upon application of the surviving or remaining partners, or of the executor, administrator, guardian, conservator, assignee, trustee or receiver of the deceased, incompetent, insolvent or bankrupt partner, may make a like conditional transfer to the surviving or remaining partners. Upon application of an executor, administrator, guardian, conservator, assignee, trustee, receiver, surviving or remaining partner and upon payment of the fee required by this section the department may transfer such certificate, permit or license in accordance with the provisions of this chapter direct from the original holder to any person named in such application and approved by the department.

No person shall operate upon any way as a common carrier by motor vehicle, contract carrier by motor vehicle or interstate licensee, or conduct business as a broker, except a bona fide holder of a certificate, permit or license, as the case may be, and neither by loan, assignment, option for purchase or any means whatsoever shall any person be permitted to defeat the requirements of this section with respect to the transfer of certificates, permits and licenses. The fee for the approval by the department of the transfer, in whole or in part, of any certificate, permit or license shall be five dollars. The department shall make any necessary rules and regulations to carry out the provisions of this section.

Approved July 16, 1941.

AN ACT PROVIDING UNIFORMITY WITH RESPECT TO CERTAIN INVESTMENTS OF TRUST COMPANIES IN THEIR COMMERCIAL DEPARTMENTS.

Chap. 484

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-two of the General Laws is hereby amended by striking out section thirty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 33.* Such corporation may, subject to the limitations of sections thirty-four, forty and forty-three, advance money or credits, whether capital or general deposits, on real estate situated within the commonwealth and on personal security, on terms to be agreed upon, and also invest its money or credits, whether capital or general deposits, in the bonds or other evidences of indebtedness of corporations or of associations or trusts, both as defined in chapter one hundred and eighty-two, or of governments, or political subdivisions thereof, both foreign and domestic, or in the capital stock of any other trust company or a national banking association incorporated or doing business within the commonwealth. Such corporation may consent to any

G. L. (Ter. Ed.), 172, § 33, amended.

Investment of funds.

settlement, modification or readjustment of any investment in securities legally made by such corporation, and may accept and hold as investments bonds, notes, stocks and other securities offered in full or partial settlement, modification or readjustment of any such investment, pursuant to a reorganization or otherwise.

G. L. (Ter. Ed.), 172, § 40, amended.

Liabilities of any one person to corporation limited.

SECTION 2. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty, as so appearing, and inserting in place thereof the following section: — *Section 40.* The total liabilities of a person, including in the liabilities of a firm the liabilities of its several members, for money borrowed from and drafts drawn on any such corporation having a capital stock of five hundred thousand dollars or more shall at no time exceed one fifth part of the total of the surplus account and the paid up capital stock of such corporation, and such total liabilities to any such corporation having a capital stock of less than five hundred thousand dollars shall at no time exceed one fifth part of the paid up capital stock of the corporation, or one tenth part of the total of the surplus account and the paid up capital stock of the corporation; but the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial paper or business paper actually owned by the person negotiating it, shall not be considered as money borrowed. The total liabilities to any one such corporation of any foreign government or political subdivision thereof shall not exceed one tenth part, and the total liabilities of all foreign governments and political subdivisions thereof to any one such corporation shall not exceed one fifth part, of the total of its surplus account and paid up capital stock. The total liabilities to any one such corporation of any state of the United States other than this commonwealth, or of any political subdivision of any such state, shall not exceed one tenth part of the total of the surplus account and paid up capital stock of the corporation. The limitations contained in this section shall not apply to investments in obligations which are unconditionally guaranteed as to the payment of principal and interest by the United States.

G. L. (Ter. Ed.), 172, § 43, etc., amended.

Holding stock in another bank limited.

SECTION 3. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty-three, as amended by section twenty of chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following section: — *Section 43.* No such corporation shall invest any of its capital or general deposits in the common stock of another trust company, or a national banking association, having preferred stock outstanding, nor shall it so invest unless such company or association has paid dividends of not less than four per cent on its capital stock in cash in each of the five years immediately preceding the date of investment and has a surplus at least equal to fifty per cent of its capital; but such corporation shall not hold by way of investment

and as security for loans more than fifteen per cent of the stock of any one such company or association, nor shall it hold by way of investment stock of such companies and associations having an aggregate initial cost to such corporation in excess of ten per cent of its capital and general deposits, or stock of any one such company or association having an initial cost to such corporation in excess of one per cent of its capital and general deposits, except that if any such company or association consolidates or merges with any other such company or association the amount of stock of the consolidated or absorbing company or association which may be held under authority hereof may be in excess of one per cent but not in excess of two per cent of the capital and general deposits of such corporation if the stock so held is acquired in exchange for stock of the consolidating or merging companies which is owned by such corporation at the time of consolidation or merger.

The commissioner may, at any time after the expiration of five years following the acceptance and acquisition of any stocks or other securities received by any such corporation in settlement, modification or readjustment of an investment, order the sale or other disposition thereof.

SECTION 4. Nothing in this act shall invalidate any holding of stock by way of investment or security legally made by any corporation subject thereto before the effective date thereof.

Interpretation
of act.

SECTION 5. This act shall take effect on December first in the current year.

Effective
date.

Approved July 16, 1941.

AN ACT PROVIDING FOR THE REINSTATEMENT OF CORNELIUS COUGHLIN IN THE LABOR SERVICE OF THE CITY OF MARLBORO FOR THE PURPOSE OF RETIREMENT.

Chap. 485

Be it enacted, etc., as follows:

SECTION 1. Cornelius Coughlin, who was employed for over twenty years as a laborer in the service of the city of Marlboro and who became separated from such service on July first, nineteen hundred and thirty-seven, by reason of inability to work on account of disability arising out of and in the course of his employment, shall be reinstated by said city in its highway department without further examination, but for the sole purpose of being retired.

SECTION 2. Upon the reinstatement of said Cornelius Coughlin he may join the contributory retirement system of said city and shall thereupon pay into the funds of said system an amount equal to that which he would have paid had he remained in the service of said city from July first, nineteen hundred and thirty-seven, the date of his last separation from service to the date of such reinstatement, with interest thereon at the rate of three per cent per annum; and thereupon he shall be entitled to retirement for disability under the pertinent provisions of said contributory retirement system.

SECTION 3. This act shall take full effect upon its acceptance during the current year by the city council of the city of Marlboro, subject to the provisions of its charter, but not otherwise.

Approved July 16, 1941.

Chap.486 AN ACT PROVIDING FOR THE PROTECTION OF THE SHORE AT ROUGHAN'S POINT IN THE BEACHMONT SECTION OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to rip rap and otherwise protect that portion of the shore at Roughan's Point in the Beachmont section of the city of Revere not now protected from erosion by the sea, for an approximate distance of three hundred feet, or such portions of the shore within such distance as may be determined by said department. No work shall be begun hereunder until said city has assumed liability, in the manner provided by section twenty-nine of chapter ninety-one of the General Laws, for all damages that may be incurred hereunder, nor until there has been paid into the state treasury by said city the sum of two thousand dollars, which, together with a sum, not exceeding two thousand dollars, which is hereby authorized to be paid from item 2202-11 of the general appropriation act of the current year, shall constitute a fund for the work herein authorized; provided, that the total cost of said work shall not exceed four thousand dollars.

Approved July 17, 1941.

Chap.487 AN ACT TO AUTHORIZE CITIES AND TOWNS TO MAKE CERTAIN EMERGENCY APPROPRIATIONS IN TIME OF WAR OR NATIONAL EMERGENCY.

Emergency
preamble.

Whereas, The present national emergency requires that cities and towns be given certain emergency powers not now contained in the General Laws, and the purpose of this act is to give such powers to cities and towns forthwith, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Any city and town is hereby authorized, for the duration of the national emergency, to raise and appropriate such sums of money as it may deem necessary for the preservation of health and protection of persons and property; to purchase equipment, uniforms and supplies for auxiliary fire and police departments, air-raid wardens, first aid rescue squads, and other essential units of defense; to provide for the training of its citizens in first aid and other matters essential to civilian defense; and to provide for such other means as may be necessary in the national emergency

for the protection of the people and property in such city or town.

SECTION 2. For the purpose of meeting expenditures herein authorized, a city or town may raise such sums as may be necessary by taxation, or may borrow from time to time, and may issue bonds or notes therefor, which shall bear on their face the words, (city or town) Defense Loan Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 3. This act shall become inoperative on July first, nineteen hundred and forty-three, but this section shall not affect any bonds or notes issued under this act prior to said date.

Approved July 17, 1941.

AN ACT PROVIDING THAT THE BOARD OF APPEALS RELATIVE TO ZONING ORDINANCES IN THE CITY OF CAMBRIDGE SHALL TEMPORARILY REFRAIN FROM TAKING ACTION ON CERTAIN APPEALS.

Chap.488

Be it enacted, etc., as follows:

SECTION 1. Except in specific cases where it is necessary or expedient to vary the application of any zoning ordinance of the city of Cambridge in order to assist in promoting the defense of the United States or of the commonwealth, the board of appeals of said city established and existing under authority of chapter forty of the General Laws shall not hear, decide or take any action upon any appeal relative to zoning ordinances in said city between the effective date of this act and the first Monday of January, nineteen hundred and forty-two, any provision in section thirty of said chapter to the contrary notwithstanding.

SECTION 2. This act shall take effect upon its passage.

Approved July 17, 1941.

AN ACT RATIFYING A PROPOSED COMPACT BETWEEN THE COMMONWEALTH AND CERTAIN OTHER STATES MENTIONED THEREIN, PROVIDING FOR BETTER UTILIZATION OF THE FISHERIES, MARINE, SHELL AND ANADROMOUS, OF THE ATLANTIC SEABOARD, AND PROVIDING FOR THE APPOINTMENT AND COMPENSATION OF THE MEMBERS REPRESENTING THE COMMONWEALTH UPON THE COMMISSION THEREBY ESTABLISHED.

Chap.489

Be it enacted, etc., as follows:

SECTION 1. The governor, on behalf of this commonwealth, is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the

states of Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may legally join therein, and the general court hereby signifies in advance its approval and ratification of such a compact so entered into, such approval and ratification to be effective upon the filing of a copy of such compact in the office of the state secretary: —

ATLANTIC STATES MARINE FISHERIES COMPACT.

The contracting states solemnly agree:

Article I.

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

Article II.

This agreement shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form which is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

Article III.

Each state joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission, hereinafter referred to as the commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the Commission or Committee on Interstate Cooperation of such state, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be

designated by the Governor thereof; provided, that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. The Commission shall be a body corporate with the powers and duties set forth herein.

Article IV.

The duty of the Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the Commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The Commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The Commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The Commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when two or more of the states shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

Article V.

The Commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. The Commission shall adopt rules and regulations for the conduct of its business. It may establish and

maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

Article VI.

No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The Commission shall define what shall be an interest.

Article VII.

The Fish and Wildlife Service of the Department of the Interior of the United States shall act as the primary research agency of the Commission cooperating with the research agencies in each state for that purpose. Representatives of said Fish and Wildlife Service shall attend the meetings of the Commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

Article VIII.

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II the participation of such state in the action of the Commission shall be limited to such species of anadromous fish.

Article IX.

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

Article X.

Continued absence of representation or of any representative on the Commission from any state party hereto shall be brought to the attention of the governor thereof.

Article XI.

The states party hereto agree to make annual appropriations to the support of the Commission in proportion to the

primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior; provided, that no such state shall contribute less than two hundred dollars per annum and that the annual contribution of each such state above the minimum shall be figured to the nearest one hundred dollars.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of nineteen hundred and thirty-eight. Subsequent budgets shall be recommended by a majority of the Commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

Schedule of Initial Annual State Contributions.

Maine	\$700
New Hampshire	200
Massachusetts	2,300
Rhode Island	300
Connecticut	400
New York	1,300
New Jersey	800
Delaware	200
Maryland	700
Virginia	1,300
North Carolina	600
South Carolina	200
Georgia	200
Florida	1,500

Article XII.

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact shall be preceded by sending by the governor, in writing, to the other states party hereto, six months' notice of intention to withdraw from the compact.

SECTION 2. When the governor shall have executed said compact on behalf of this commonwealth and caused a correct copy thereof to be filed in the office of the state secretary, as required by section one, and said compact shall have been ratified by one or more of the states named in Article II thereof in accordance with the constitution and laws of such state or states, then said compact shall become operative and effective as between this commonwealth and such other state or states. The governor is hereby authorized and directed, upon the execution of said compact by him and the filing of the required copy thereof in the office of the state secretary, to notify forthwith the governors of the said named states and the president of the United States, that the commonwealth on its part has ratified said compact. The original notice of ratification received from the governor or other duly authorized official of any state joining in said

compact shall be filed with the official copy of said compact in the office of the state secretary, and such notice, if any, as may be received from the president or the congress of the United States, signifying the consent of the congress to said compact, shall be filed in the same manner.

SECTION 3. After the aforesaid compact shall become operative and effective as provided in section two, the governor, with the advice and consent of the council, shall designate or appoint three members, hereinafter called commissioners, of the Atlantic States Marine Fisheries Commission, hereinafter called the commission, to represent this commonwealth. One of such commissioners shall always be the commissioner of conservation for the time being, the second shall be a member of the general court who is also a member of the commission on interstate co-operation, designated by said commission, and the third shall be a citizen of the commonwealth having a knowledge of and interest in marine fisheries problems. The term of any member of the general court designated and appointed to the commission shall terminate when he shall cease to be a member of the general court or of the commission on interstate co-operation, and his successor shall be designated and appointed in the same manner as an original designation and appointment. The term of the third commissioner shall be three years, and he shall hold office until the qualification of his successor. Vacancies shall be filled, in the same manner as an original appointment, for the remainder of the unexpired term. Sections eight to twelve, inclusive, of chapter thirty of the General Laws shall apply to the last mentioned member of the commission and to his successors in office. The commissioner of conservation as a commissioner hereunder may delegate from time to time a deputy or other subordinate in his department to attend and participate in any meeting of or hearing by or other proceeding of the commission, with authority to vote as the representative of or substitute for said commissioner. The terms of the three members of said commission first appointed shall be considered to have begun upon the date when the compact aforesaid shall become operative and effective in accordance with section two.

SECTION 4. Each member of the commission designated or appointed by the governor of the commonwealth who, while such member, neither holds a salaried state office nor is a member of the general court, shall, while a member of the commission, be paid by the commonwealth as compensation for his services the sum of ten dollars per day for each day's service performed in connection with his duties as such member, but not to exceed two hundred dollars in any year. Such compensation shall be paid by the state treasurer to each such member, not more often than every two weeks, upon bills approved by the chairman, vice chairman or clerk of the commission.

SECTION 5. The members of the commission on the part of the commonwealth shall keep accurate accounts of all its

receipts and disbursements and shall report to the governor and the general court on or before the tenth day of December annually, setting forth in detail the transactions of the commission during the twelve months preceding the first day of December in said year, and shall include in said report recommendations for any legislative action that the commission deems advisable, including such amendments or additions to the laws of the commonwealth as may be necessary or desirable to carry out the intent and purposes of the Atlantic States Marine Fisheries Compact among the states joining therein.

Approved July 17, 1941.

AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE GENERAL LAWS NECESSITATED BY RECENT CHANGES IN THE NAMES, TITLES, POWERS OR DUTIES, OF STATE OFFICERS OR DEPARTMENTS, AND MAKING CERTAIN OTHER CORRECTIVE CHANGES.

Chap. 490

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the word "staff" and inserting in place thereof the word:— aides-de-camp, — so as to read as follows:— *Section 16.* The aides-de-camp of the commander-in-chief and all officers included in the organization of the land and naval forces of the commonwealth, including the adjutant general in his capacity as commissioner of war records under chapter two hundred and eleven of the acts of nineteen hundred and twelve and chapter one hundred and seven of the General Acts of nineteen hundred and nineteen, shall serve under the governor in his capacity as commander-in-chief.

G. L. (Ter. Ed.), 6, § 16, amended.

Military officers to serve under governor.

SECTION 2. Section four of chapter twenty of the General Laws, as most recently amended by section one of chapter three hundred and forty of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "control" in the fourth line the words:— and fairs, — and by striking out, in the fourth and fifth lines, the words "a division of reclamation, soil survey and fairs," — so as to read as follows:— *Section 4.* The commissioner shall organize the department in divisions, including a division of dairying and animal husbandry, a division of plant pest control and fairs, a division of markets, a division of livestock disease control, and such other divisions as he may from time to time determine, and shall assign to said divisions their functions. The work of each division shall be in charge of a director. The director of the division of livestock disease control shall be known as the director of livestock disease control, and shall be appointed and may be removed by the governor, with the advice and consent of the council. The commissioner shall appoint and may remove a director for each of the other divisions. The compensation of direc-

G. L. (Ter. Ed.), 20, § 4, etc., amended.

Organization of department of agriculture.

tors shall be fixed by the commissioner, with the approval of the governor and council. The commissioner may also appoint an inspector of apiaries and, except as to the division of livestock disease control, such other inspectors, investigators, scientific experts, clerks and other officers and assistants as the work of the department may require and may assign them to divisions, transfer and remove them.

G. L. (Ter. Ed.), 21, § 12, etc., amended.

Experts, etc., in department of conservation.

SECTION 3. Section twelve of chapter twenty-one of the General Laws, as amended by section three of chapter seventy-five of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "parks" in the second line the words: — and recreation, — so as to read as follows: — *Section 12.* The director of the division of parks and recreation may appoint and remove such experts and clerical and other assistants as the work of said division may require, subject to the approval of the commissioner in case said offices of commissioner and director are held by different persons. The said director shall be allowed necessary traveling expenses for himself and his employees incurred in the discharge of the functions of said division.

G. L. (Ter. Ed.), 23, § 3, etc., amended.

Divisions in department of labor and industries.

SECTION 4. Section three of chapter twenty-three of the General Laws, as most recently amended by section one of chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — He shall organize in the department a division of standards, a division on the necessities of life, a division of occupational hygiene, and such other divisions as he may from time to time determine. This section shall not authorize any action affecting the division of unemployment compensation, provided for in section nine I.

G. L. (Ter. Ed.), 23, § 4, etc., amended.

Salaries of directors, etc.

SECTION 5. Section four of said chapter twenty-three, as most recently amended by section one of chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the ninth and tenth lines, the words "public employment offices" and inserting in place thereof the words: — unemployment compensation, — so as to read as follows: — *Section 4.* The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than five directors, and may, with like approval, remove them. One of them, to be known as the director of standards and necessities of life, shall have charge of the division of standards and of the division on the necessities of life, and each of the others shall be assigned to take charge of a division, other than the division of unemployment compensation. The commissioner may employ, for periods not exceeding ninety days, such experts as may be necessary to assist the department in the performance of any duty imposed upon it by law, and such employment shall be exempt from chapter thirty-one.

Except as otherwise provided, the commissioner may employ and remove such inspectors, investigators, clerks and other assistants as the work of the department may require. Such number of inspectors as the commissioner may deem necessary shall be men who, before their employment as such, have had at least three years' experience as building construction workmen. The commissioner may require that certain inspectors in the department, not more than seven in number, shall be persons qualified by training and experience in matters relating to health and sanitation.

SECTION 6. Section nine E of said chapter twenty-three, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "division" in the first line the words: — on the necessities of life, — so as to read as follows: — *Section 9E.* The division on the necessities of life shall study and investigate the circumstances affecting the prices of fuel, gasoline and refined petroleum products and other commodities which are necessities of life. It may inquire into all matters relating to the production, transportation, distribution and sale of the said commodities, and into all facts and circumstances relating to the cost of production, wholesale and retail prices and the method pursued in the conduct of the business of any persons, firms or corporations engaged in the production, transportation, or sale of the said commodities, or of any business which relates to or affects the same. It shall also study and investigate the circumstances affecting the charges for rent of property used for living quarters, and in such investigation may inquire into all matters relating to charges for rent.

G. L. (Ter. Ed.), 23, § 9E, amended.

Division on the necessities of life to conduct studies.

SECTION 7. Section six of chapter twenty-nine of the General Laws, as most recently amended by section six of chapter five hundred and two of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the thirty-seventh and thirty-eighth lines, the words " , not including any services or expenses in any way relating to marine fisheries", — so that the sentence contained in the twenty-sixth to the thirty-eighth lines, inclusive, will read as follows: — The budget shall include, for each such fiscal year, a sum, equal at least to the total amount received by the division of fisheries and game of the department of conservation during the last fiscal year of the preceding biennium from license and other fees and fines under the laws relating to game and inland fisheries, and also a sum equal to one half of the amount necessary for payment for personal services and other expenses for or on account of the enforcement of said laws; and said sums shall be appropriated for each such fiscal year for the general purposes of said division of fisheries and game.

G. L. (Ter. Ed.), 29, § 6, etc., amended.

Certain items affecting division of fisheries and game to be included in the budget.

SECTION 8. Section seventy-nine of chapter thirty-three of the General Laws, as appearing in section one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out, in the twenty-first line, the word "staff" and inserting in

G. L. (Ter. Ed.), 33, § 79, etc., amended.

place thereof the word:— aides-de-camp, — so that the paragraph contained in the eighteenth to the twenty-fifth lines, inclusive, will read as follows:—

Oath of office
in organized
militia.

All officers shall take and subscribe the said oaths before any competent authority or an officer qualified under section one hundred and forty to administer oaths, except retired officers and the aides-de-camp of the commander-in-chief who may take said oaths before any competent authority; and the following certificate shall be printed on every commission and shall be signed by the person before whom the officer is qualified:

G. L. (Ter.
Ed.), 40, § 11,
amended.

SECTION 9. Section eleven of chapter forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth line, the words "state forester" and inserting in place thereof the words:— director of the division of forestry in the department of conservation, — and by striking out, in the ninth, the fourteenth and the nineteenth lines, the words "the state forester" and inserting in place thereof, in each instance, the words:— said director, — so as to read as follows:— *Section 11.* A town which accepts this section, or has accepted corresponding provisions of earlier laws, may appropriate money for the prevention of forest fires to an amount not exceeding one tenth of one per cent of its valuation. Every such town with a valuation of one million seven hundred and fifty thousand dollars or less which appropriates and expends money, with the approval of the director of the division of forestry in the department of conservation, for apparatus to be used in preventing or extinguishing forest fires, or for making protective belts or zones as a defence against forest fires, shall, upon the recommendation of said director, approved by the governor, receive from the commonwealth a sum equal to one half of the said expenditure; but no town shall receive more than two hundred and fifty dollars. A sum not exceeding five thousand dollars may annually be expended by the commonwealth for this purpose. Whenever it has been demonstrated to the satisfaction of said director that such equipment has been destroyed or has become unfit for use, the town shall be reimbursed by the commonwealth one half the cost of replacing the same; provided that the amount paid to any one town in any one year shall not exceed fifty dollars. All equipment purchased under this section shall be in the custody and care of the town forest warden. Said director or his deputies may inspect such equipment at such times as they may deem necessary.

Prevention of
forest fires.

Replacing de-
stroyed, etc.,
equipment,
appropriation
for.

G. L. (Ter.
Ed.), 48,
§ 8, amended.

SECTION 10. Section eight of chapter forty-eight of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the words "state forester" and inserting in place thereof the words:— director of the division of forestry in the department of conservation, — so as to read as follows:— *Section 8.* The mayor in cities and, except as provided in section forty-three, the selectmen in towns shall annually, in January, appoint a forest warden,

Forest
wardens,
appoint-
ment of.

and forthwith give notice thereof to the director of the division of forestry in the department of conservation, in this chapter called the forester. (Such appointment shall not take effect unless approved by the forester.) When so approved notice of the appointment shall be given by the mayor or selectmen to the person so appointed. Whoever having been duly appointed fails within seven days after receipt of such notice to file with the city or town clerk his acceptance or refusal of the office shall, unless excused by the mayor or selectmen, forfeit ten dollars. The same person may hold the offices of tree warden, selectman, chief of fire department and forest warden. Upon the failure of the mayor of a city or the selectmen of a town to make such appointment in the month of January, the forester shall notify the mayor or selectmen so to do, and if the mayor or selectmen fail to comply within fourteen days after receipt of such notice, the forester may appoint as forest warden in such city or town a suitable person, who shall be a resident thereof.

SECTION 11. Section fifteen of said chapter forty-eight, as amended by section eight of chapter one hundred and eighty of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the seventh line, the words "or a deputy fish and game warden", — and by inserting before the word "fish" in the sixth line the words: — conservation officer, a deputy conservation officer or a, — so as to read as follows: — *Section 15.* The forester, the state fire warden or any duly authorized assistant, the forest warden in a town or the official performing the duties of a forest warden in a city, or any duly appointed deputy forest warden, the director of the division of fisheries and game, a conservation officer, a deputy conservation officer or a fish and game warden may arrest without warrant any person found in the act of setting, maintaining or increasing a fire in violation of section thirteen. They shall take precautions to prevent the progress of forest fires, or the improper kindling thereof, and upon the discovery of any such fire shall immediately require the necessary assistance in accordance with section ten, the provisions of which and of sections eleven and twelve are hereby made applicable in such case, and shall notify the local forest warden.

SECTION 12. Section twenty-eight A of said chapter forty-eight, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "state", — so as to read as follows: — *Section 28A.* Upon written application of the county commissioners of any county which accepts this section by vote of said commissioners, the forester may appoint additional temporary officers in the division of forestry or detail assistants to the state fire warden to such number as may be necessary, who shall patrol the forests in the towns of such county, during those seasons of the year when forest fires are likely to occur therein for the purpose of detecting and preventing such fires. One half of the money expended under the provisions

G. L. (Ter.
Ed.), 48,
§ 15, etc.,
amended.

Arrest without
warrant.

Powers to pre-
vent forest
fires.

G. L. (Ter.
Ed.), 48, § 28A,
amended.

Appointment
of additional
officers to
patrol forests
in certain
counties.

of this section in any county shall be repaid to the commonwealth by said county.

G. L. (Ter. Ed.), 58, § 12, amended.

Commissioner to certify charges, etc.

SECTION 13. Section twelve of chapter fifty-eight of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the words "the preceding section" and inserting in place thereof the words: — section eleven, — and by striking out, in the third line, the words "board of tax appeals" and inserting in place thereof the words: — appellate tax board, — so as to read as follows: — *Section 12.* The commissioner, at the expiration of ten days after notice under section eleven or upon being informed of the decision of the appellate tax board, if an appeal is taken, shall certify to the state treasurer the amount of charges against and credits to each town as determined thereunder, and the treasurer shall thereupon withhold out of any sums payable by the commonwealth to each town against which a charge is certified, and shall allow or pay over to each town to which a credit is certified, as the case may be, the amount so certified.

G. L. (Ter. Ed.), 58, § 15, etc., amended.

Effect of determination of value of certain state, etc., lands.

SECTION 14. Said chapter fifty-eight is hereby further amended by striking out section fifteen, as amended by section twenty-one of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 15.* The valuation determined under sections thirteen and fourteen shall be in effect for the purposes of sections seventeen and seventeen A during the year in which such valuation is made and the four succeeding years, and until another valuation is made under said sections thirteen and fourteen, except that whenever land is acquired by the commonwealth or by county commissioners for the purposes set forth in section thirteen the commissioner shall adopt the assessed valuation of said land made in the year last preceding such acquisition, and such assessed valuation shall be the valuation of the land for the purposes of said sections seventeen and seventeen A, until a new valuation is made by the commissioner or by the appellate tax board under said section thirteen or fourteen; provided, that as to land used for a state forest such assessed valuation shall be reduced by deducting therefrom the value of all forest products removed from such land between January first on which it was last assessed and January first in the year for which the reimbursement is to be made, the amount thereof to be certified annually before February first to the commissioner by the director of the division of forestry in the department of conservation.

G. L. (Ter. Ed.), 61, § 5, amended.

Settlement of disputes by state forester.

SECTION 15. Section five of chapter sixty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words "state forester" and inserting in place thereof the words: — director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 5.* In case of dispute as to the eligibility of land for classification, or as to the volume of wood or timber contained on such land or cut

therefrom, either party may appeal to the director of the division of forestry in the department of conservation, who shall examine the property and hear both parties, and whose decision shall be final.

SECTION 16. Section one of chapter sixty-four A of the General Laws, as most recently amended by section one of chapter three hundred and fifty-seven of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the twenty-first line as appearing in the Tercenary Edition, the words "Board of tax appeals" and inserting in place thereof the words: — Appellate tax board, — so that paragraph (g) will read as follows: — (g) "Appellate tax board", the board established by section one of chapter fifty-eight A.

G. L. (Ter. Ed.), 64A, § 1, etc., amended.

Appellate tax board.

SECTION 17. Said chapter sixty-four A is hereby further amended by striking out section twelve, as appearing in the Tercenary Edition, and inserting in place thereof the following section: — *Section 12.* The supreme judicial or the superior court shall have jurisdiction in equity to restrain the collection, upon any sale exempted by the constitution and laws of the United States, of the excise imposed by this chapter. The bill shall be brought against the commissioner, whether the question of the collection of the excise is in the hands of the attorney general or pending before the appellate tax board or is still in the hands of the commissioner.

G. L. (Ter. Ed.), 64A, § 12, amended.

Federal law, sales exempted by, restraining collection of excise on.

SECTION 18. Section five of chapter eighty-seven of the General Laws, as so appearing, is hereby amended by striking out, in the eleventh, twelfth and thirteenth lines, the words "gypsy and brown tail moth suppression, as carried on under the direction of the state forester" and inserting in place thereof the words: — the suppression of gypsy and brown tail moths and tent caterpillars as carried on by the director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 5.* Tree wardens and their deputies, but no other person, may, without a hearing, trim, cut down or remove trees, less than one and one half inches in diameter one foot from the ground, and bushes, standing in public ways; and, if ordered by the mayor, selectmen, road commissioners or highway surveyor, shall trim or cut down trees and bushes, if the same shall be deemed to obstruct, endanger, hinder or incommode persons traveling thereon. Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree which endangers persons traveling on a highway, or the removal of any tree, if so ordered by the proper officers, for the purpose of widening the highway, and nothing herein contained shall interfere with the suppression of gypsy and brown tail moths and tent caterpillars as carried on by the director of the division of forestry in the department of conservation and the United States department of agriculture, except so much as relates to the cutting and removal of trees, shrubs and growths that are one and one half inches or more in diameter one foot from the ground.

G. L. (Ter. Ed.), 87, § 5, amended.

Cutting down and trimming bushes and trees that obstruct travel.

G. L. (Ter.
Ed.), 94, § 7,
amended.

Weight of
loaves of
bread.

SECTION 19. Section seven of chapter ninety-four of the General Laws, as so appearing, is hereby amended by striking out, in the first line, the words "the following section" and inserting in place thereof the words: — section eight, — and by inserting after the word "standards" in the twentieth line the words: — and necessities of life, — so as to read as follows: — *Section 7.* Except as provided in section eight, bread shall not be manufactured for sale, sold, or offered or exposed for sale otherwise than by weight, and shall be manufactured for sale, sold, or offered or exposed for sale only in units of one pound, one and one half pounds, or multiples of one pound. When multiple loaves are baked, each unit of the loaf shall conform to the weight required by this section. The weights herein specified shall mean net weights not more than twelve hours after baking, or not more than twelve hours after the sale and delivery of such loaves by the manufacturer or by his servant or agent. Such weights shall be determined by the average weight of not less than six loaves; provided, that such average weights shall be determined by the weight of at least twelve loaves whenever such number of loaves is available at the time and place of such weighing; and provided further, that bread found upon any premises occupied for the manufacture of bread for sale, or any bread found in the wagons, trucks, baskets, boxes, or other delivery vehicles or receptacles owned or controlled by the manufacturer of such bread, and being transported or delivered for sale, shall for the purposes of this section be deemed to have been baked within twelve hours unless such bread is marked, designated or segregated as stale bread, under regulations prescribed by the director of standards and necessities of life.

G. L. (Ter.
Ed.), 98,
amended.

Heading
changed.

SECTION 20. Chapter ninety-eight of the General Laws is hereby further amended by striking out the heading immediately preceding section twenty-nine and inserting in place thereof the following: —

CERTAIN POWERS AND DUTIES OF DIRECTOR OF STANDARDS
AND NECESSARIES OF LIFE.

G. L. (Ter.
Ed.), 101,
§ 1, etc.,
amended.

SECTION 21. Section one of chapter one hundred and one of the General Laws, as most recently amended by chapter two hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting before the definition of "Transient vendor" the following new definition: —

Term
"Director"
defined.

"Director", the director of standards and necessities of life in the department of labor and industries.

G. L. (Ter.
Ed.), 101,
§ 3, etc.,
amended.

SECTION 22. Section three of said chapter one hundred and one, as amended by section twenty-three of chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fourth and fifth lines, the words "of standards and necessities of life, in this chapter called the director," — so as to read as follows: — *Section 3.* Every person before com-

mencing business in the commonwealth as a transient vendor, whether as principal or agent, shall make written application, under oath, for a state license to the director stating the names and residences of the owners or parties in whose interest said business is to be conducted, and shall make a special deposit of five hundred dollars with the director or shall give a bond in the sum of five hundred dollars, payable to the director and his successors, with suréties approved by the director, conditioned upon (1) compliance with the provisions of this chapter relative to transient vendors, (2) payment of all fines or penalties incurred by him through violations of such provisions, and (3) payment or satisfaction of any judgment obtained against him in behalf of any creditor whose claim arises in connection with the business done under the licensee's state license and who, before the expiration of sixty days from the return or surrender of said license or the filing of an affidavit of its loss, shall have given due notice of his claim to the director. Thereupon, upon the payment of a fee of twenty-five dollars, the director shall issue to him a state license authorizing him to do business as a transient vendor. Such license shall expire one year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. Such license shall contain a copy of the application therefor and of any statements required under section seven, and shall not be transferable. It shall not authorize more than one person to sell goods, wares or merchandise as a transient vendor either by agent or clerk or in any other way than in his own proper person, but a licensee may have the assistance of one or more persons in conducting his business who may aid him but not act for or without him.

Licensing of transient vendors, etc.

Bond or deposit.

Payment of fee.

SECTION 23. Section twenty-seven of said chapter one hundred and one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words "director or", — and by inserting in the third line after the word "by" the words: — the director or by, — so as to read as follows: — *Section 27.* Every person licensed as a hawker or pedler shall endorse his usual signature upon his license. He shall produce his license for inspection whenever demanded by the director or by a mayor, alderman, selectman, inspector of standards, sealer or deputy sealer of weights and measures, city or town treasurer or clerk, constable, police officer or justice of the peace; and if he fails so to do, he shall be subject to the same penalty as if he had no license. The director shall, at the expense of the licensee, provide a badge for each pedler and plates or tags for each pack, parcel or vehicle used in hawking or peddling. Such badges, plates or tags shall bear the number of the license, the word "pedler", and such other information as the director may deem necessary. Each pedler shall wear his badge in a conspicuous place. Each wagon or other vehicle shall have attached to the front or side thereof, in a

G. L. (Ter. Ed.), 101, § 27, amended.

Endorsement of license, production of, for inspection.

Use of badges.

place where it may readily and plainly be seen, and each pack or parcel carried by a pedler traveling on foot shall have conspicuously displayed thereon, the plate or tag provided by the director with the license number attached thereto.

G. L. (Ter. Ed.), 101, § 32, amended.

Arrest and prosecution of transient vendors, etc.

SECTION 24. Section thirty-two of said chapter one hundred and one, as so appearing, is hereby amended by striking out, in the first line, the word "and", the first time said word appears, and inserting in place thereof a comma, — so as to read as follows:— *Section 32.* The director, inspectors of standards and, within their respective towns, sealers or deputy sealers of weights and measures, constables and police officers shall arrest and prosecute every hawker and pedler, and transient vendor, whom they may have reason to believe guilty of violating any provision of this chapter.

G. L. (Ter. Ed.), 123, § 10, amended.

Department to establish hospital districts.

Commitments regulated.

SECTION 25. Section ten of chapter one hundred and twenty-three of the General Laws, as so appearing, is hereby amended by striking out, in the eighth and ninth lines, the words "the Westborough state hospital under section fifty-six, or to any state hospital" and inserting in place thereof the words:— any of said state hospitals, — so as to read as follows:— *Section 10.* The department shall divide the commonwealth into districts, may change the districts from time to time, and shall designate the state hospitals to which insane, epileptic and feeble minded persons and persons addicted to the intemperate use of narcotics and stimulants from each district shall be committed. All such persons within each district shall be committed to the state hospitals designated for the district; except that persons from any district may be committed to any of said state hospitals when the expense of their support is paid by themselves or friends or upon the written approval of the department, to the McLean hospital, to any private institution the person having charge of which is licensed under section thirty-three or to an institution established and maintained by the United States government the person having charge of which is licensed under section thirty-four A.

G. L. (Ter. Ed.), 123, § 84, amended.

Detention and care of insane persons in United States service regulated.

SECTION 26. Section eighty-four of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the first and second lines, the words ", except Gardner state colony," — so as to read as follows:— *Section 84.* The superintendent of any state hospital for the insane or of the McLean hospital, may receive for care and treatment any person in the military or naval service of the United States who is suffering from mental disease and cannot properly be cared for at the army post, naval station or government hospital where he is stationed or happens to be, upon the written application of the medical officer in charge thereof, who shall make a full statement of the case in such form as the department prescribes. Unless otherwise ordered by the proper military or naval authority, persons received into an institution under

this section may be detained therein for a period not exceeding sixty days, except that further detention, if necessary, may be authorized by the department.

SECTION 27. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section one, as so appearing, and inserting in place thereof the following section:—*Section 1.* In this chapter “commissioner” shall mean the commissioner of correction. “Parole board” shall mean the parole board of the department of correction.

G. L. (Ter. Ed.), 127, § 1, amended.

Definitions.

SECTION 28. Section eighty-four of said chapter one hundred and twenty-seven, as so appearing, is hereby amended by striking out, in the seventh line, the words “state forester” and inserting in place thereof the words:—director of the division of forestry in the department of conservation,—so as to read as follows:—*Section 84.* The county commissioners of any county may purchase or lease land, with funds specifically appropriated therefor by the general court, for the purpose of improving and cultivating the land by the labor of prisoners from a jail or house of correction; and the said commissioners may also make arrangements with the department of public works or with the officials of a town to employ said prisoners on any highway or unimproved land, or with the director of the division of forestry in the department of conservation for the reforestation, maintenance or development of state forests, or with a private owner to improve waste or unused land, or land used for agricultural or domestic purposes, by means of such prison labor. When prisoners are so employed they shall be in the custody of the sheriff of the county. When land that is not the property of the county or is a public way or state forest is so improved, the owners thereof or those having the way or forest in charge shall pay to the county such sums as may be agreed upon between the county commissioners, sheriff, and the other parties in interest for the labor of any prisoners employed thereon.

G. L. (Ter. Ed.), 127, § 84, amended.

Improvement of waste land by prison labor, etc., and payment therefor.

SECTION 29. Section one of chapter one hundred and twenty-eight of the General Laws, as so appearing, is hereby amended by inserting after the word “control” in the fifth line the words:—and fairs,—so as to read as follows:—*Section 1.* The following words as used in this chapter shall have the following meanings unless the context otherwise requires: “Commissioner”, the commissioner of agriculture. “Department”, the department of agriculture. “Director”, in sections sixteen to thirty-one, inclusive, the director of the division of plant pest control and fairs. “Inspector”, in sections thirty-two to thirty-eight, inclusive, the inspector of apiaries. “Trustees”, the trustees for county aid to agriculture.

G. L. (Ter. Ed.), 128, § 1, amended.

Definitions.

SECTION 30. Said chapter one hundred and twenty-eight is hereby further amended by striking out paragraph (a) of section two, as so appearing, and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 128, § 2, amended.

Certain duties of department of agriculture defined.

(a) Execute and carry into effect the laws relative to dairy products, animal breeding, apple grading, plant pest control except the gypsy and brown tail moths and the tent caterpillars, apiary inspection, and the production, storage, marketing and distribution of agricultural products.

G. L. (Ter. Ed.), 128, new heading.

SECTION 31. Said chapter one hundred and twenty-eight is hereby further amended by striking out the heading before section sixteen and inserting in place thereof the following heading: —

DIRECTOR OF THE DIVISION OF PLANT PEST CONTROL AND FAIRS.

G. L. (Ter. Ed.), 128, § 16, amended.

SECTION 32. Section sixteen of said chapter one hundred and twenty-eight, as so appearing, is hereby amended by inserting after the word "control" in the first line the words: — and fairs, — so as to read as follows: — *Section 16.* The director of the division of plant pest control and fairs, and his assistants, may at all times enter any public or private grounds in the performance of any duty required by sections seventeen to thirty-one, inclusive.

Entry into public or private grounds regulated.

G. L. (Ter. Ed.), 128, § 22, amended.

SECTION 33. Section twenty-two of said chapter one hundred and twenty-eight, as so appearing, is hereby amended by striking out, in the eighth line, the words "state forester" and inserting in place thereof the words: — director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 22.* If the director, either personally or through his assistants, finds ribes, that is, any variety of currants or gooseberries, whether wild or cultivated, or five leafed pines, which are either infected with white pine blister rust, or so situated that in his opinion they are likely to become so infected, he or his assistants may destroy or cause to be destroyed such ribes or five leafed pines. In carrying out his duties under this section the director shall as far as practicable co-operate with the director of the division of forestry in the department of conservation, local tree wardens, moth superintendents, city foresters and forest wardens.

Protection against white pine blister rust.

G. L. (Ter. Ed.), 128, § 23, amended.

SECTION 34. Section twenty-three of said chapter one hundred and twenty-eight, as so appearing, is hereby amended by striking out, in the second and third lines, the words "the two preceding sections" and inserting in place thereof the words: — sections twenty-one and twenty-two, — and by striking out, in the ninth line, the words "state forester" and inserting in place thereof the words: — director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 23.* The owner of any cultivated berry-bearing shrubbery destroyed by the director or his assistants under sections twenty-one and twenty-two shall receive compensation therefor from the commonwealth, provided that he has given written notice thereof to the director within thirty days after the accrual of his claim to compensation. The director or an assistant shall thereupon investigate the same, and if the director does not agree with

Compensation for damage incident to controlling white pine blister rust.

the claimant as to the validity of his claim or as to the amount thereof, the question at issue shall be determined by three arbitrators who shall be the commissioner, the director of the division of forestry in the department of conservation, and an assistant attorney general to be designated by the attorney general. Any award of damages made by said arbitrators, together with the cost of the appraisal, shall be certified to the comptroller, and shall thereupon be paid by the commonwealth in the same manner as other claims.

Arbitration of
damages, etc.

SECTION 35. The title of chapter one hundred and twenty-nine of the General Laws is hereby amended by striking out the words "animal industry" and inserting in place thereof the words: — LIVESTOCK DISEASE CONTROL.

G. L. (Ter.
Ed.), 129,
title changed.

SECTION 36. Section one of chapter one hundred and thirty-two of the General Laws, as amended by section two of chapter four hundred and fifteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line, the words "state forester" and inserting in place thereof the words: — director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 1.* The director of the division of forestry in the department of conservation, in this chapter called the forester, shall act for the commonwealth in suppressing the gypsy and brown tail moths and tent caterpillars; shall promote the perpetuation, extension and proper management of the public and private forest lands of the commonwealth; shall give such a course of instruction to the students of the Massachusetts state college on the art and science of forestry as may be arranged by the trustees of the college and the forester; and shall perform such other duties as may be imposed upon him by the governor and council.

G. L. (Ter.
Ed.), 132,
§ 1, etc.,
amended.

Duties of
state forester.

SECTION 37. Section two of chapter one hundred and thirty-two A of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eighth line, the word "of" the first time it appears and inserting in place thereof the words: — and recreation in, — and by striking out, in the same line, the words "the following seven sections" and inserting in place thereof the words: — sections three to nine, inclusive, — so as to read as follows: — *Section 2.* The commissioner, with like approval, on petition of any board or commission charged with the care and maintenance of any park or reservation owned by the commonwealth outside of the metropolitan parks district, with the approval of the county commissioners of the county or counties wherein such park or reservation is situated, except in cases where said county commissioners are the petitioners, may, on behalf of the commonwealth and acting through the division of parks and recreation in the department of conservation, in sections three to nine, inclusive, called the division, assume the care and maintenance of such park or reservation, and thereafter shall expend for

G. L. (Ter.
Ed.), 132A,
§ 2, amended.

Assumption
of care and
maintenance
of recreational
facilities by
department of
conservation.

the care and maintenance thereof such sums as may be appropriated therefor.

G. L. (Ter. Ed.), 160, § 235, amended.

Spark arresters required for railroad engines.

SECTION 38. Section two hundred and thirty-five of chapter one hundred and sixty of the General Laws, as so appearing, is hereby amended by striking out, in the twelfth and thirteenth lines, the words "state forester" and inserting in place thereof the words: — director of the division of forestry in the department of conservation, — so as to read as follows: — *Section 235.* Every corporation operating a steam railroad shall, subject to the approval of the department, install and maintain a spark arrester on every engine in its service in which wood, coke or coal is used as fuel, and shall, between April first and December first in each year, keep the full width of all of its locations over which such engines are operated, to a point two hundred feet distant from the centre line on each side thereof, clear of dead leaves, dead grass, dry brush or other inflammable material, and shall not at any time leave any deposit of fire, hot ashes or live coals upon its locations in the immediate vicinity of woodlands or grass lands, and shall post in stations and other conspicuous places within its location and right of way such notices and warning placards as are furnished to it for the purpose by the director of the division of forestry in the department of conservation; provided, that this section shall not prohibit any railroad corporation from piling or keeping upon its location or right of way cross-ties or other material necessary for the maintenance and operation of its railroad.

Approved July 18, 1941.

Chap. 491 AN ACT RELATIVE TO PROVISIONAL AND EMERGENCY APPOINTMENTS AND PROMOTIONS IN THE CLASSIFIED CIVIL SERVICE.

Emergency preamble.

Whereas, In view of the present national emergency any delay in the taking effect of this act would defeat its purpose to prevent interruption or delay in the performance of necessary work or services in certain state departments, boards and commissions in connection with the national defense, therefore this act is hereby declared to be an emergency law, necessary for the preservation of the public health and convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, § 15, etc., amended.

Appointments in the classified service, how made.

Chapter thirty-one of the General Laws is hereby amended by striking out section fifteen, as amended by section two of chapter five hundred and six of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 15.* No person shall be appointed or promoted to any position in the classified civil service except upon requisition by the appointing officer and upon certification by the director from an eligible list prepared in accordance with this chapter and the rules and regulations

made thereunder. If there is no such list, or if the director is unable to comply with a requisition, he may, subject to section twenty-five, authorize a provisional appointment. Such a provisional appointment may be authorized to fill a permanent position for a period of not more than three months, and may be renewed for an additional three months, except that in departments, institutions or hospitals the functions of which are connected with public safety or public health where the public service would otherwise suffer, the director may renew such provisional appointment for one more additional period of three months if supported by four affirmative votes of the commission, and a statement of such renewal and the reasons therefor shall be set forth by the director in his monthly report; but no person shall be certified for more than one such provisional appointment and renewal or renewals, as the case may be, in any twelve-month period. Authorization to make a provisional appointment shall be void if not exercised within two weeks from the date thereof. The director shall forthwith conduct an examination and establish an eligible list for such a position within six months after the provisional appointee is actually employed. A provisional appointment to fill a permanent position shall, except in the case of a second renewal of such a provisional appointment as aforesaid, be terminated by the director within fourteen days after the establishment of an eligible list for such position, and it may be terminated by the director at any time.

Except as otherwise provided in sections nineteen A, twenty A, twenty-two, forty-two, forty-eight, and forty-nine A of this chapter, section thirty-six of chapter forty-eight, section eleven of chapter one hundred and twenty-seven, section four of chapter two hundred and seventy-three of the acts of nineteen hundred and thirteen, and section four of chapter three hundred and seventy-two of the acts of nineteen hundred and fourteen, no person shall receive an original appointment to the classified official service of the commonwealth or any city or town thereof subject to the provisions of this chapter otherwise than by virtue of a competitive examination unless (a) the director shall certify that he has previously held a competitive examination for the position involved and has been unable to establish an eligible list of at least two persons, or unless (b) a position not under civil service is placed thereunder by virtue of a statute or rule and the director makes recommendations supported by four affirmative votes of the commission to include under civil service any present incumbents of the position.

In cases arising under the provisions of said clause (a), a person to be selected by the appointing officer in accordance with this chapter and rules made thereunder may be appointed subject to passing a non-competitive or qualifying examination, as the director may authorize. If one person

passes a competitive examination and the appointing official signifies his desire to appoint said person to the position, the appointment shall be authorized by the director.

A provisional appointment to fill a temporary position shall continue for the period for which it was authorized; provided, that no such appointment shall be made for more than three months, and the director may authorize not more than one further provisional appointment to the same temporary position in any twelve-month period. Any alteration in the nature of the employment of a person holding such a provisional appointment or any increase in salary thereof shall immediately terminate such an appointment.

In case of an emergency, which could not have been foreseen and where the public business would be seriously impeded by delay in filling any position in the manner provided by law, an appointing officer may make an emergency appointment without requisition; but in no case shall such emergency appointment continue for more than thirty days within the sixty consecutive days next following, and in every such case he shall forthwith report the same to the director, stating the reason therefor, in such form and detail as the director may prescribe, and the time, not exceeding thirty days within the sixty consecutive days next following, for which such employment is to last. No such emergency appointment shall be renewed except with the consent of the director or be renewed more than once, except that in departments, institutions or hospitals the functions of which are connected with the public safety or public health where the public service would otherwise suffer, the director may renew such emergency appointment for one additional period; but no person shall receive more than one such appointment and renewal or renewals, as the case may be, in any twelve-month period. Vacancies of which an appointing authority has had, or might with due diligence have, reasonable knowledge shall not be considered an emergency under this section.

Promotions
and promo-
tional exami-
nations.

Except in police and fire departments, an appointing official may with the approval of the director promote in the official service an employee in one grade to the next higher grade; provided, that such employee has been employed at least three years in the lower grade, is the oldest employee, the second oldest employee, or the third oldest employee therein in point of service, and that such employee passes a qualifying examination prescribed by the director. Otherwise, any promotion shall be made after a competitive promotional examination open to the next lower grades in succession in the service of the same department, board or commission until a sufficient number of applicants to hold a competitive examination is obtained. In case an eligible list of at least two persons is not established from such promotional examination, then a competitive promotional examination may be held open to any class within the service of the same or any other department, board or commis-

sion, as the director may determine. In case an eligible list of at least two persons is not established from either of such promotional examinations, the position shall be filled after open competitive examination; provided, that if there be one person on either eligible list, the director shall certify such person. In departments, boards and commissions having not more than two employees, an appointing official may promote in the official service the sole employee or either one of the two, as the case may be; provided, that such employee passes a qualifying examination prescribed by the director; and provided, further, that such employee has been employed for at least three years in the service of such department, board or commission.

Approved July 22, 1941.

AN ACT DISCONTINUING AS A PUBLIC WAY A PORTION OF *Chap. 492*
NORTHERN AVENUE IN SOUTH BOSTON.

Be it enacted, etc., as follows:

SECTION 1. All that part of Northern avenue, laid out as a highway under the provisions of chapter three hundred and eighty-one of the acts of nineteen hundred and three and lying easterly of a point five hundred and ten feet east of the easterly line of D street as now constructed connecting the ramp with said Northern avenue in South Boston, is hereby discontinued as a public way, in accordance with a plan in the office of the department of public works marked: "Portion of Northern Avenue South Boston, to be Discontinued Department of Public Works of Massachusetts Division of Waterways Francis L. Sellew, District Waterways Engineer, Acc."

SECTION 2. This act shall take effect upon its passage.

Approved July 22, 1941.

AN ACT RELATIVE TO THE QUALIFICATIONS AND LICENSING *Chap. 493*
OF INSURANCE AGENTS, INSURANCE BROKERS AND SPECIAL
INSURANCE BROKERS.

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and seventy-four B, as appearing in the Tercentenary Edition, the following new section: — *Section 174C.* The commissioner, before issuing or renewing any license under section one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two A, one hundred and seventy-three or one hundred and seventy-four, may make such investigation as he may deem necessary to ascertain whether an applicant, as hereinafter defined, has been violating section one hundred and eighty-three, and may require from an applicant such information as he may deem

G. L. (Ter. Ed.), 175, new section 174C, added.

Commissioner to make investigation before issuing or renewing licenses.

necessary in respect to his or its ownership of any property or interest therein or of any interest in any firm, association or corporation, in order to determine whether or not he shall refuse to issue or renew the license, as hereinafter provided. For the purposes of making investigations under this section, the commissioner shall have authority to examine the books, the records and the affairs of an applicant, and for this purpose shall have all the powers conferred by section four.

The commissioner shall refuse to issue or to renew any such license if he finds that an applicant has been violating section one hundred and eighty-three, or if he finds that more than ten per centum of the aggregate net commissions received by an individual, association, partnership or corporation licensee under any of said sections during the term of any prior license or renewal, or which would probably be received during the term of a new license thereunder, resulted or would result from insurance on or in respect to the property or any interest therein of any of the following: —

- (1) An applicant;
- (2) Any member of any firm or association of which an applicant is a member or owner;
- (3) An owner of any interest in an association or partnership which is an applicant and the spouse, if any, of such owner;
- (4) The stockholders of a corporation which is an applicant and their spouses, if any;
- (5) Any corporation owning an interest in a corporation which is an applicant, or any firm or association, its members or owners, and their spouses, if any, who individually or collectively own more than fifty per centum of the capital stock of such an applicant, and any other corporation of the capital stock of which such firm or association, its members or owners and their spouses, if any, own more than said percentage;
- (6) Any corporation of the capital stock of which an applicant or the applicants, individually or collectively, own more than fifty per centum;
- (7) Any affiliate or subsidiary of any corporation mentioned in this section;
- (8) An employee or an employer of an applicant;
- (9) Any person for whom an applicant is or acts as trustee.

The word "applicant", as used in this section, shall include an individual appointee under section one hundred and sixty-three and an individual applicant under section one hundred and sixty-six, one hundred and sixty-seven or one hundred and sixty-eight, an association, partnership or corporation which is an applicant under section one hundred and seventy-two A, one hundred and seventy-three or one hundred and seventy-four, and an individual to be specified as a trustee in a license issued to such an association or as an officer or a director in a license issued to such a corpo-

ration, or covered under a license issued to such a partnership, and, in the case of every such individual, shall include his or her spouse, if any.

Approved July 22, 1941.

AN ACT CLARIFYING THE MASSACHUSETTS UNFAIR SALES ACT, SO CALLED, BY INCLUDING IN THE COST TO THE RETAILER AND THE COST TO THE WHOLESALE SALES TAXES OR EXCISES LEVIED OR IMPOSED UPON MERCHANDISE ADVERTISED, OFFERED FOR SALE OR SOLD. *Chap. 494*

Be it enacted, etc., as follows:

Chapter ninety-three of the General Laws is hereby amended by striking out section fourteen F, inserted by section one of chapter four hundred and ten of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 14F.* Any retailer who, with intent to injure competitors or destroy competition, advertises, offers to sell or sells at retail any item of merchandise at less than cost to the retailer, together with any sales taxes or excises levied or imposed upon such merchandise by the commonwealth or the United States of America not already included in the invoice or replacement cost to the retailer, or any wholesaler who, with intent as aforesaid, advertises, offers to sell or sells at wholesale any item of merchandise at less than cost to the wholesaler, together with any sales taxes or excises levied or imposed upon such merchandise by the commonwealth or the United States of America not already included in the invoice or replacement cost to the wholesaler, shall, if the offender is an individual, be punished by a fine of not more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both; or, if the offender is a corporation, by a fine as aforesaid. Evidence of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him, together with any sales taxes or excises levied or imposed upon such merchandise by the commonwealth or the United States of America not already included in the invoice or replacement cost to him, shall be prima facie evidence of intent to injure competitors or destroy competition.

G. L. (Ter. Ed.), 93, § 14F, etc., amended.

Penalty.

Approved July 22, 1941.

AN ACT FURTHER REGULATING THE AMOUNT OF BURIAL EXPENSES TO BE PAID BY INSURERS IN FATAL INJURY CASES UNDER THE WORKMEN'S COMPENSATION LAW. *Chap. 495*

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section thirty-three, as amended by chapter eighty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the fol-

G. L. (Ter. Ed.), 152, § 33, etc., amended.

Funeral
expenses.

lowing section: — *Section 33.* In all cases the insurer shall pay the reasonable expense of burial, not exceeding two hundred and fifty dollars.

Approved July 22, 1941.

Chap. 496 AN ACT RELATIVE TO THE CONSTRUCTION OF RAILROADS
ACROSS STATE HIGHWAYS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 160,
§ 102, amended.

SECTION 1. Section one hundred and two of chapter one hundred and sixty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commissioners", in the second line and in the ninth line, in each instance, the words: — , or the department of public works in the case of a state highway, — so as to read as follows: — *Section 102.* If a railroad is laid out across a public way, the county commissioners, or the department of public works in the case of a state highway, upon the application of the railroad corporation, or of the board of aldermen of the city or selectmen of the town where the crossing is situated, after notice to all persons interested and a hearing, may adjudge that public necessity requires the crossing at the same level, and may, if the department also consents in writing to such crossing at the same level, make a decree specially to authorize and require the corporation so to construct its railroad, in such manner as shall be prescribed in the decree, and the commissioners, or the department of public works in the case of a state highway, may modify such decree or may revoke it at any time before the construction of the railroad at such crossing.

Crossing
public way
at a level
regulated.

G. L. (Ter.
Ed.), 160,
§ 245, etc.,
amended.

SECTION 2. Section two hundred and forty-five of said chapter one hundred and sixty, as amended by section four of chapter two hundred and seventy-three of the acts of the current year, is hereby further amended by inserting after the word "selectmen", in the eighth and ninth lines and in the tenth line, in each instance, the words: — , or the department of public works in the case of a state highway, — so as to read as follows: — *Section 245.* A person or corporation may construct a railroad for private use in the transportation of freight; but shall not take or use lands or other property therefor without the consent of the owner thereof. No such railroad shall be connected with the railroad of another corporation without its consent; nor shall it be constructed across or upon a public way or traveled place without the consent of the board of aldermen or selectmen, or the department of public works in the case of a state highway, nor except in a place and manner approved by them. If the board of aldermen or selectmen, or the department of public works in the case of a state highway, consent, they shall from time to time make such regulations relative to motive power, rate of speed, and time and manner of using the railroad over and upon such way or traveled place, as in their judgment the public safety and convenience require, and they may order

Railroads for
private use.

such changes to be made in the track as are rendered necessary by the alteration or repair of such way. The provisions of this chapter and chapter one hundred and fifty-nine relative to the crossing of ways and traveled places by railroad corporations shall apply to such railroad, and to the person constructing or operating the same.

Approved July 22, 1941.

AN ACT RELATIVE TO THE ERECTION BY THE TOWN OF BARNSTABLE OF A RECREATIONAL BUILDING ON CERTAIN PARK LAND IN SAID TOWN. *Chap.497*

Be it enacted, etc., as follows:

SECTION 1. The town of Barnstable may, notwithstanding the provisions of section seven of chapter forty-five of the General Laws, erect a recreation building, exceeding six hundred square feet in area on the ground, upon park land, known as Frank P. Hallett Park, located on the easterly side of Barnstable road in Hyannis, and may equip and maintain the same for recreational purposes and in order to facilitate the use of said land for park purposes by its inhabitants.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the voters of the town of Barnstable at a town meeting called for the purpose within one year after its passage, but not otherwise.

Approved July 22, 1941.

AN ACT REGULATING PAYMENTS BY THE WATER BUREAU OF THE METROPOLITAN DISTRICT OF HARTFORD, CONNECTICUT, IN LIEU OF TAXES UPON CERTAIN LANDS HELD BY SAID DISTRICT IN THE TOWNS OF TOLLAND AND GRANVILLE. *Chap.498*

Be it enacted, etc., as follows:

Property now or hereafter held by the water bureau of the metropolitan district of Hartford, Connecticut, a political subdivision of the state of Connecticut, in the towns of Tolland and Granville, or either of them, for the purpose of a water supply or of the protection of the sources of an existing water supply, or for both of such purposes, if yielding no rent, shall not be liable to taxation therein; but said district shall, annually on July first, pay to each town wherein any portion of such land lies an amount equal to that which such town would receive for taxes upon the average of the assessed value, hereinafter called the value, of the land therein, including in such term buildings or other structures on such land, for the three years last preceding the acquisition thereof, the value for each year being reduced by all abatements thereon; provided, that any part of such land or buildings for which any revenue in the nature of rent is received shall be subject to taxation.

If such land is part of a larger tract which has been assessed as a whole, its value in any year shall be taken to be that proportional part of the value of the whole tract which the value of the land so acquired, including buildings, bore in that year to the value of the entire estate as established by the board of assessors of said town.

The provisions of section seven of chapter fifty-nine of the General Laws, as amended, shall, so far as pertinent, apply to the land which is the subject of this act.

Approved July 22, 1941.

Chap. 499 AN ACT PROVIDING FOR THE MAKING OF REPORTS TO THE DEPARTMENT OF PUBLIC UTILITIES OF EVIDENCE AT INQUESTS IN CASES OF ACCIDENTAL DEATH CONNECTED WITH THE OPERATION OF MOTOR VEHICLES FOR THE CARRIAGE OF PASSENGERS FOR HIRE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 38, § 11, amended.

Report of evidence and magistrate's report in certain cases to be forwarded to the department of public utilities.

Section eleven of chapter thirty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "use" in the fifth line the words: —, or a motor vehicle for the carriage of passengers for hire under chapter one hundred and fifty-nine A, — by inserting after the word "railway" in the thirteenth line the words: —, or motor vehicle, — and by inserting after the word "railway" in the sixteenth line the words: —, or the person licensed under said chapter one hundred and fifty-nine A for the operation of the motor vehicle in connection with the operation of which, — so as to read as follows: — *Section 11.* If a magistrate believes that an inquest to be held by him relates to the accidental death of a passenger or employee upon a railroad or electric railroad or a traveler upon a public or private way at a railroad crossing, or to an accidental death connected with the operation of a street railway or of a railroad for private use, or a motor vehicle for the carriage of passengers for hire under chapter one hundred and fifty-nine A, he shall cause a verbatim report of the evidence to be made and sworn to by the person making it; and the report and the bill for services, after examination and written approval by the magistrate, shall be forwarded to the department of public utilities within thirty days after the date of the inquest, and, when made, a copy of the magistrate's report on the inquest. The bill, when approved by said department, shall be forwarded to the comptroller and paid by the commonwealth, assessed on the person owning or operating such railroad or railway, or motor vehicle, and shall be collected in the same manner as taxes upon corporations. The magistrate may in his discretion refuse fees to witnesses in the employ of the person upon whose railroad or railway, or the person licensed under said chapter one hundred and fifty-nine A

for the operation of the motor vehicle in connection with the operation of which, the accident occurred.

Approved July 22, 1941.

AN ACT AUTHORIZING THE CITY OF LOWELL TO SUPPLY A CERTAIN PORTION OF THE TOWN OF TEWKSBURY WITH WATER. *Chap. 500*

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may supply water for the extinguishment of fires and for domestic and other purposes to the inhabitants of that part of the town of Tewksbury which lies northwesterly of a straight line beginning at the intersection of the easterly side of Billerica street in said town with the boundary line between the towns of Tewksbury and Billerica, thence north thirty-two degrees, east, true bearing, in a straight line to the boundary line between the towns of Tewksbury and Andover. For said purpose said city may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in said town of Tewksbury in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said city of Lowell may enter upon and dig up any such lands and ways; provided, that said city of Lowell shall not enter upon or dig up any public ways in said town of Tewksbury, except with the consent of the board of selectmen thereof; and said city of Lowell shall restore the public ways dug up or otherwise disturbed in said town to a satisfactory condition and shall pay all damages sustained by any person in consequence of any negligent act upon the part of said city, its agents or employees done under this act.

SECTION 2. Said city of Lowell may distribute water through the aforesaid portion of said town of Tewksbury or any part thereof, may regulate the use of such water, and fix and collect rates therefor; and the said city may establish and maintain fountains and hydrants, and relocate and discontinue the same, within the district aforesaid.

SECTION 3. The town of Tewksbury or any water district established hereafter for the purpose of supplying water within the boundaries defined in section one of this act shall have the right at any time to take by eminent domain under chapter seventy-nine or eighty A of the General Laws, or acquire by purchase or otherwise, the property and all the rights and privileges of said city of Lowell within said town, on payment to said city of just compensation. Said city shall keep a separate account of the con-

struction expenses of work done under this act which account shall be open for inspection to the selectmen or any committee appointed by said town or district. In case said town or any such district shall vote to purchase said property, rights and privileges, and cannot agree with said city upon the price to be paid by the town or district for said property, rights and privileges the department of public utilities upon request of either party shall determine the price. Upon the establishment of a public water supply system by the town of Tewksbury or a water supply district within the aforesaid portion of the town, said town or water district shall acquire said property, rights and privileges before beginning to supply water within the aforesaid area defined under section one of this act.

SECTION 4. This act shall take full effect upon its acceptance by the city council of the city of Lowell, with the approval of the mayor, and by a majority of the voters of the town of Tewksbury present and voting thereon at a legal town meeting called for the purpose, within five years from the passage of this act, but not otherwise.

Approved July 22, 1941.

Chap.501 AN ACT AUTHORIZING THE COMMISSIONER OF CONSERVATION TO PURCHASE CERTAIN ADDITIONAL LAND IN THE TOWN OF CHARLEMONT AS AN ADDITION TO THE MOHAWK TRAIL STATE FOREST.

Be it enacted, etc., as follows:

For the purpose of enlarging the Mohawk Trail state forest, the commissioner of conservation is hereby authorized to acquire by purchase, in the name of the commonwealth and at a cost of not exceeding forty-five hundred dollars, a certain tract of land in the westerly part of the town of Charlemont known as the Stafford farm, containing sixty-two acres more or less; provided, that the deed or deeds and other documents, if any, effecting the purchase of said land shall be approved as to form and legality by the attorney general.

Approved July 22, 1941.

Chap.502 AN ACT AUTHORIZING IN CERTAIN CASES THE GRANTING OF LICENSES TO NON-RESIDENTS TO ACT AS INSURANCE AGENTS OF FOREIGN LIFE INSURANCE COMPANIES, AND LIMITING THE POWERS OF SUCH AGENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 163, amended.

Section one hundred and sixty-three of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new paragraph:—

Licenses of non-resident agents.

Nothing in this chapter shall be construed to prohibit the issue of a license under this section as an insurance agent of a foreign life company authorized to transact busi-

ness in the commonwealth to a person resident in any other state of the United States granting similar licenses to residents of this commonwealth. A non-resident licensed as an insurance agent of such a company shall transact business in the commonwealth only through the lawfully constituted and licensed resident agents of such company in the commonwealth.

Approved July 22, 1941.

AN ACT ESTABLISHING THE SALARY OF THE SPECIAL JUDGE OF PROBATE AND INSOLVENCY FOR MIDDLESEX COUNTY.

Chap. 503

Be it enacted, etc., as follows:

Section forty-one of chapter two hundred and seventeen of the General Laws, as amended by section seven of chapter four hundred and eight of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "duties" in the fifth line the following new sentence: — The special judge of probate and insolvency for Middlesex county shall be paid forty dollars for each day's service.

G. L. (Ter. Ed.), 217, § 41, etc., amended.

Compensation of special judge of probate, etc.

Approved July 22, 1941.

AN ACT RAISING THE MINIMUM AMOUNT TO BE AWARDED AS DAMAGES IN CERTAIN DEATH CASES.

Chap. 504

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and twenty-nine of the General Laws, as amended by section one of chapter four hundred and sixty of the acts of the current year, is hereby further amended by striking out the words "five hundred" and inserting in place thereof the words: — one thousand, — so as to read as follows: — *Section 2.* If the proprietor of a common carrier of passengers, except a railroad corporation or street railway or electric railroad company, by reason of his or its negligence or wilful, wanton or reckless act, or by reason of the unfitness or gross negligence or carelessness, or the wilful, wanton or reckless act, of his or its servants or agents, causes the death of a passenger, he or it shall be liable in damages in the sum of not less than one thousand nor more than five thousand dollars, to be assessed with reference to the degree of culpability of the defendant or of his or its servants or agents, and recovered and distributed as provided in section one, and to the use of the persons and in the proportions, therein specified.

G. L. (Ter. Ed.), 229, § 2, etc., amended.

Damages for death by negligence of common carrier.

SECTION 2. Section three of said chapter two hundred and twenty-nine, as amended by section two of said chapter four hundred and sixty, is hereby further amended by striking out the words "five hundred" wherever said words appear therein and inserting in place thereof, in each instance, the words: — one thousand, — so as to read as follows: — *Section 3.* If a corporation operating a railroad, street railway or electric railroad, by reason of its negligence or wilful, wanton or reckless act, or of the unfitness or negligence,

G. L. (Ter. Ed.), 229, § 3, etc., amended.

Penalty on certain corporations for death by negligence, etc.

or the wilful, wanton or reckless act, of its agents or servants while engaged in its business, causes the death of a passenger, or of a person in the exercise of due care who is not a passenger or in the employment of such corporation, it shall be punished by a fine of not less than one thousand nor more than ten thousand dollars, to be recovered by an indictment prosecuted within one year after the time of the injury which caused the death, which shall be paid to the executor or administrator, and distributed as provided in section one; but a corporation which operates a railroad shall not be so liable for the death of a person while walking or being upon its railroad contrary to law or to the reasonable rules and regulations of the corporation, and one which operates an electric railroad shall not be so liable for the death of a person while so walking or being on that part of its railroad not within the limits of a highway. Such corporation shall also be liable in damages in the sum of not less than one thousand nor more than ten thousand dollars, to be assessed with reference to the degree of culpability of the corporation or of its servants or agents, which shall be recovered in an action of tort, begun within one year after the injury which caused the death, by the executor or administrator of the deceased, and distributed as provided in section one. If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the same manner and to the same extent as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by this section.

G. L. (Ter. Ed.), 229, § 5, etc., amended.

Action for death in general.

SECTION 3. Section five of said chapter two hundred and twenty-nine, as amended by section three of chapter four hundred and six of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the eighth line, the words "five hundred" and inserting in place thereof the words:— one thousand, — so as to read as follows:— *Section 5.* Except as provided in sections one, two and three, a person who by his negligence or by his wilful, wanton or reckless act, or by the negligence or wilful, wanton or reckless act of his agents or servants while engaged in his business, causes the death of a person in the exercise of due care, who is not in his employment or service, shall be liable in damages in the sum of not less than one thousand nor more than ten thousand dollars, to be assessed with reference to the degree of his culpability or of that of his agents or servants, to be recovered in an action of tort, commenced, except as provided by sections four and ten of chapter two hundred and sixty, within two years after the injury which caused the death by the executor or administrator of the deceased, to be distributed as provided in section one.

SECTION 4. Section nine of said chapter two hundred and twenty-nine, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the sixth line, the words "five hundred" and inserting in place thereof the words: — one thousand, — so as to read as follows: — *Section 9.* If under section four or section seven damages are awarded for death or for injury and death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

G. L. (Ter. Ed.), 229, § 9, amended.

Damages in action for death of employee.

The amount of damages which may be awarded in an action brought under section four shall not be less than one thousand nor more than ten thousand dollars.

The amount of damages which may be awarded for injury and death in an action brought under section seven shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled under section four to bring an action for his death.

Approved July 22, 1941.

AN ACT RELATIVE TO THE OFFICE OF MAYOR IN THE CITY OF CAMBRIDGE AND THE ADMINISTRATION OF THE AFFAIRS OF SAID CITY.

Chap. 505

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of general law, of any special act relating to the city of Cambridge or of any ordinance of said city, the president of the city council of said city in office on the effective date of this act, hereafter in this act called the president, or his successor in said office in the event of his death or resignation from said city council, hereafter in this act called his successor, shall exclusively, during the period beginning with said effective date and ending on the first Monday in January, nineteen hundred and forty-two, possess all the rights and powers, perform all of the duties and be subject to all of the obligations of mayor of said city, subject, however, to the following provisions: —

(A) If, during the period covered by this act, the mayor of said city who was sworn into office on the first Monday in January, nineteen hundred and forty, should be acquitted in the criminal proceedings now pending against him in the courts of this commonwealth, then the powers, rights, duties and obligations hereby conferred upon the president or his successor shall no longer be exercised by him from and after the date of such acquittal.

(B) The terms of all persons appointed or reappointed, temporarily or otherwise, by the president or his successor, during the period covered by this act, or by the mayor of said city who was sworn into office as aforesaid, in case of his acquittal as set forth in paragraph (A), between the date of such acquittal and the first Monday in January, nineteen hundred and forty-two, shall expire on said first Mon-

day in January, but such appointees shall continue to hold office until the qualification of their respective successors.

(C) The president or his successor, while exercising the rights and powers and performing the duties of mayor under any provision of this act, shall be entitled to compensation, payable in equal monthly instalments, at the rate of seventy-five hundred dollars per annum, but shall not, during said period, be entitled to any compensation as a member of the city council.

(D) Nothing in this act shall be deemed to derogate from the powers and duties of the president or his successor in his capacity as president and a member of said city council or affect his tenure as such president or member.

(E) In case the president or his successor, for a continuous period of thirty days, shall be unable, because of disability or absence from the city, to exercise the powers and duties conferred upon him by this act, said city council shall thereupon elect a temporary president of said council to exercise and perform the powers, rights, duties and obligations conferred and imposed upon the president or his successor by this act until such time as said president or his successor resumes the functions and duties of his office, or until the mayor who was sworn into office on the first Monday in January, nineteen hundred and forty, is acquitted as set forth in paragraph (A).

(F) During such period, prior to the election of a temporary president as provided in paragraph (E), as the president or his successor, because of disability or absence from said city, is unable to exercise the powers or perform the duties conferred upon him by this act, the city auditor is hereby authorized to approve warrants for payments from the city treasury and the city treasurer is hereby authorized to pay warrants so approved.

(G) During the period covered by this act, no permanent appointment, and no provisional or temporary appointment except to fill a vacancy until the said first Monday in January, nineteen hundred and forty-two, shall be made to any office or position within the classified civil service of said city, except with the approval of the director of civil service in the department of civil service and registration.

(H) During the period covered by this act no additional appointment, and no promotion or increase in salary except regular step-rate increases, shall be made in any appointive office, position or employment in the service of said city.

SECTION 2. No special election for a mayor shall be held in said city during the current year under the provisions of section twenty-six of chapter forty-three of the General Laws.

SECTION 3. During the period covered by this act, no loan shall be made by said city under any special act authorizing it to borrow money, or under the general authority granted by chapter forty-four of the General Laws, other

than loans issued under sections four, six, six A and seventeen of said chapter, without the approval of the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, as amended. The members of said board, when acting under this act, shall receive from the commonwealth compensation to the same extent as provided for services under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended.

SECTION 4. This act shall take effect upon its passage.

Approved July 23, 1941.

AN ACT AUTHORIZING THE TREATMENT OF SPASTIC PARALYSIS AT THE LAKEVILLE STATE SANATORIUM.

Chap.506

Be it enacted, etc., as follows:

Section sixty-five A of chapter one hundred and eleven of the General Laws, as amended by section one of chapter three hundred and forty-six of the acts of nineteen hundred and thirty-six, is hereby further amended by inserting before the semi-colon in the fourth line the following new clause: — , and, subject to the established regulations of the department, persons suffering from spastic paralysis, — so as to read as follows: — *Section 65A.* The department may admit to the Lakeville state sanatorium persons suffering from extra-pulmonary tuberculosis, and persons crippled by poliomyelitis (infantile paralysis), and, subject to the established regulations of the department, persons suffering from spastic paralysis; provided, that no person shall be admitted who has not been a resident of the commonwealth for at least twelve months preceding the date of his application for admission, and that preference shall be given to citizens of the commonwealth. *Approved July 23, 1941.*

G. L. (Ter. Ed.), 111, § 65A, etc., amended.

Treatment of infantile paralysis and other diseases at Lakeville state sanatorium.

AN ACT RELATIVE TO THE MINIMUM SALARIES OF TEACHERS.

Chap.507

Be it enacted, etc., as follows:

Section forty of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the word "seven" and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 40.* The compensation of every teacher employed in any public day school in the commonwealth, except persons in training and those employed as temporary substitutes, shall be at a rate of not less than eight hundred and fifty dollars for the school year in that school.

G. L. (Ter. Ed.), 71, § 40, amended.

Minimum compensation for teachers.

Approved July 23, 1941.

AN ACT PROVIDING FOR ADVANCES OF ONE HALF THEIR VACATION PAY TO STATE OFFICERS AND EMPLOYEES.

Chap.508

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to make available to

Emergency preamble.

state officers and employees the benefits thereof during the approaching vacation period; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 29,
§ 31, etc.,
amended.

Vacation pay,
advance of.

Section thirty-one of chapter twenty-nine of the General Laws, as amended by section two of chapter one hundred and twenty-seven of the acts of nineteen hundred and thirty-two, is hereby further amended by adding at the end the following words: — , and advances of pay may be made to any state officer or employee in advance of his regular vacation to the extent of the equivalent of one half of the pay to which he is about to become entitled during such vacation period under such regulations as the state treasurer may prescribe.

Approved July 23, 1941.

Chap. 509 AN ACT CHANGING THE FISCAL YEAR OF THE COMMONWEALTH, ESTABLISHING THE FISCAL BIENNIUM THEREOF AND MAKING DIVERS OTHER RELATED CHANGES IN EXISTING LAWS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 4, § 7,
amended.

SECTION 1. Section seven of chapter four of the General Laws is hereby amended by striking out clause Ninth, as appearing in the Tercentenary Edition, and inserting in place thereof the following: —

"Fiscal year"
and "Fiscal
biennium"
defined.

Ninth, "Fiscal year", when used with reference to the commonwealth or any of its offices, departments, boards, commissions, institutions or undertakings, except the metropolitan district commission and the metropolitan district water supply commission, established by section one of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, shall mean the year beginning with July first and ending with the following June thirtieth, both inclusive, and as to said commissions shall mean the year beginning with December first and ending the following November thirtieth, both inclusive. "Fiscal biennium", when so used, shall mean, except as to said commissions, the period of two consecutive fiscal years beginning with July first following the assembling of the general court at its regular biennial session, and as to said commissions, shall mean such period beginning with December first preceding such session.

G. L. (Ter.
Ed.), 29,
§ 1, etc.,
amended.

SECTION 2. Section one of chapter twenty-nine of the General Laws, as amended by section one of chapter five hundred and two of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the paragraph added by section one of said chapter five hundred and two and inserting in place thereof the following: —

Biennium.

The word "biennium", as used in this chapter, shall, unless the context otherwise requires, mean the fiscal biennium as defined in clause Ninth of section seven of chapter four.

SECTION 3. Section two of chapter sixty-three of the General Laws, as most recently amended by section twenty-five of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the ninth line, as appearing in section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-three, the words "July first" and inserting in place thereof the words: — March fifteenth, — so as to read as follows: — *Section 2.* Every bank shall pay annually a tax measured by its net income, as defined in section one, at the rate assessed upon other financial corporations; provided, that such rate shall not be higher than the highest of the rates assessed under this chapter upon mercantile and business corporations doing business in the commonwealth; and, provided, further, that such rate shall not be higher than six per cent. The commissioner shall determine the rate on or before March fifteenth of each year after giving a hearing thereon, and at or prior to such hearing he shall make available to all banks requesting the same a statement showing the aggregates of the income returnable during the preceding calendar year and taxable under this chapter and the aggregates of the taxes under this chapter of such year, with respect to the following classes of corporations: (1) domestic financial corporations, (2) foreign financial corporations, (3) domestic manufacturing corporations as defined in section thirty-eight C, (4) foreign manufacturing corporations as defined in section forty-two B, (5) domestic business corporations as defined in section thirty, (6) foreign corporations as defined in said section thirty. The commissioner shall seasonably notify the banks of his determination. Appeal by a bank from the determination of the commissioner may be taken to the appellate tax board within ten days after the giving of such notice.

G. L. (Ter. Ed.), 63, § 2, etc., amended.

Annual tax on banks.

Determination of rate.

Appeals.

SECTION 4. Section four of said chapter sixty-three, as amended by chapter three hundred and sixty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the eighth line, the words "October twentieth" and inserting in place thereof the words: — June first, — so as to read as follows: — *Section 4.* All provisions of this chapter relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to domestic business corporations, as defined in section thirty, shall, so far as pertinent, be applicable to taxes under section two; provided, that the entire tax under section two shall be due on June first and not when the tax return is required to be filed, and any notice required to be given to a national banking association shall be given to the cashier thereof; and provided, further, that no such provisions shall be so applied as to contravene the federal constitution or the federal statutes relating to national banking associations.

G. L. (Ter. Ed.), 63, § 4, etc., amended.

Certain provisions of chapter applicable to taxes under section two.

G. L. (Ter.
Ed.), 63, § 20,
amended.

Taxation of
life insur-
ance com-
panies.

Returns.

SECTION 5. Section twenty of said chapter sixty-three, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourteenth line, the word "May" and inserting in place thereof the word: — March, — so as to read as follows: — *Section 20.* Every life insurance company, as defined by section one hundred and eighteen of chapter one hundred and seventy-five, authorized to transact business in the commonwealth shall annually pay an excise of one quarter of one per cent upon the net value of all policies in force on December thirty-first of the year preceding that in which the tax is payable, issued or assumed by such company on the lives of residents of this commonwealth as determined by the commissioner from the return required under this section and such other evidence as he may obtain. All contingencies of any other character insured against by such company under authority of clause sixth of section forty-seven of chapter one hundred and seventy-five or any other provision of law, contracts for which are required to be in separate and distinct policies, shall be taxable under sections twenty-two and twenty-three of this chapter. Every such company shall annually, on or before March first, make a return to the commissioner, on oath of its president or secretary and its actuary, giving in such detail as the commissioner shall require the total number of policies in force on December thirty-first preceding on the lives of residents of this commonwealth, the aggregate net value thereof and the aggregate amount insured. Whenever the commissioner deems it for the best interest of the commonwealth he may require in addition to the above information the following details relating to each policy of ordinary business in force on December thirty-first preceding on the life of a resident of Massachusetts: the number, date and class, the age of the assured, the amount insured and the net value. In respect to ordinary business the aggregate net value so reported shall be the combined aggregate of the mean reserve computed for each policy, or each group of policies requiring a separate computation to determine their net value, on the basis of valuation used or approved by the commissioner of insurance under section nine of chapter one hundred and seventy-five. In respect to industrial business the aggregate net value so reported may be estimated upon the basis of such general averages or otherwise as shall be authorized by the commissioner with the approval of the commissioner of insurance.

SECTION 6. Section twenty-eight of said chapter sixty-three, as amended by section twenty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the seventh, ninth and tenth lines, the word "July", as appearing in the Tercentenary Edition, and inserting in place thereof, in each instance, the word: — June, — so as to read as follows: — *Section 28.* The commissioner, from such returns, and from such other evidence as he may obtain,

G. L. (Ter.
Ed.), 63,
§ 28, etc.,
amended.

Assessment
and notice
to insurance
companies.

shall assess upon all insurance companies subject to this chapter the taxes imposed by sections twenty to twenty-three, inclusive, and shall forthwith upon making such assessment give to every such company notice of the amount thereof. Such taxes shall become due and payable to the commissioner thirty days after the date of such notice but not later than June first. All such taxes shall bear interest at the rate of six per cent per annum from the date payable until June first and, whether assessed before or after June first, shall bear interest at the rate of twelve per cent per annum from June first until they are paid. Within sixty days after the date of such notice the company may apply to the commissioner for a correction of said excise, and in default of settlement may, upon application within thirty days of the date of notification of the commissioner's decision, be heard thereon by the appellate tax board. If abatement of a tax paid is granted, the overpayment with interest thereon at the rate of six per cent per annum from the date of payment shall be refunded to the corporation by the state treasurer without any appropriation therefor by the general court.

Application
for correction.
Appeal.

SECTION 7. The first paragraph of section fifty-three of said chapter sixty-three, as most recently amended by section sixty of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the twelfth line, the word "April" and inserting in place thereof the word: — February, — so as to read as follows: — Every corporation organized under general or special laws of the commonwealth for purposes of business or profit, having a capital stock divided into shares, except banks otherwise taxable under this chapter, except insurance companies with capital stock and mutual insurance companies with a guaranty capital or permanent fund whose premiums are otherwise taxable under this chapter, and except corporations taxable under sections thirty to fifty-one, inclusive, in addition to all returns required by its charter, and in addition to all returns otherwise required under this chapter, shall annually, between February first and tenth, make a return to the commissioner, on oath of its treasurer, stating the name and place of business of the corporation, and setting forth as of January first of the year in which the return is made:

G. L. (Ter.
Ed.), 63,
§ 53, etc.,
amended.

Annual returns
by corporations
to commis-
sioner.

SECTION 8. Section sixty of said chapter sixty-three, as amended by section twenty-eight of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the second line, the words "the first Monday of August", as appearing in the Tercentenary Edition, and inserting in place thereof the words: — April fifteenth, — and by striking out, in the seventh line, the words "October twentieth", as so appearing, and inserting in place thereof the words: — June first, — so as to read as follows: — *Section 60.* The commissioner shall annually, as soon as may be after April fif-

G. L. (Ter.
Ed.), 63,
§ 60, etc.,
amended.

Notice of
tax, time of
payment,

right of
correction
and appeal.

teenth, give notice to the treasurer of every corporation, company or association liable to any tax under section fifty-eight, of the amount thereof, the time when due, the right to apply for correction, and the right of appeal, all as herein provided. Said tax shall be due and payable to the commissioner within thirty days after the date of such notice, but not before June first. The taxpayer may apply to the commissioner, within sixty days after the date of the notice, for the correction of the tax, and in default of settlement may, within thirty days of the date of notification of the commissioner's decision, appeal therefrom to the appellate tax board. If abatement of a tax paid is granted the overpayment with interest thereon at the rate of six per cent per annum from the date of payment shall be refunded to the taxpayer by the state treasurer without any appropriation therefor by the general court even though such sum is not deductible from a tax or taxes to be distributed to the several towns.

Temporary
provisions.

SECTION 9. The first fiscal year and fiscal biennium established by section one of this act shall begin on July first, nineteen hundred and forty-three. Sections one and two shall take effect on January first, nineteen hundred and forty-two, for all purposes connected with fiscal years and fiscal bienniums beginning on or after said July first. Sections three to eight, inclusive, shall take effect at midnight on December thirty-first, nineteen hundred and forty-two, and shall apply to taxes assessed in or on account of the year nineteen hundred and forty-three and each year thereafter.

Approved July 23, 1941.

Chap. 510 AN ACT RELATIVE TO THE REMOVAL AND HOSPITALIZATION OF CERTAIN PRISONERS AND PERSONS COMMITTED TO DEPARTMENTS FOR DEFECTIVE DELINQUENTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 127,
§ 117, amended.

Hospital treat-
ment for
certain
prisoners.

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section one hundred and seventeen, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 117.* Whenever the physician of any prison, or of any institution under the control of the department of correction at which a department for defective delinquents is maintained under section one hundred and seventeen of chapter one hundred and twenty-three, certifies that a person held in such prison for trial or sentence, except for a capital crime, or a person under commitment to such a department, respectively, requires medical treatment which cannot safely or properly be given in such prison or institution, as the case may be, the commissioner may temporarily place such person in a hospital.

G. L. (Ter.
Ed.), 127,
§ 118, etc.,
amended.

SECTION 2. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hun-

dred and eighteen, as most recently amended by section forty-three of chapter three hundred and fifty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following section: — *Section 118.* Whenever it appears that a female confined under sentence in any prison, or under commitment to a department for defective delinquents referred to in section one hundred and seventeen, is about to give birth to a child, the physician of the institution where the inmate is confined shall send to the commissioner a certificate of her condition, and the commissioner shall thereupon order her removal to a hospital near the institution where she is confined, but in no case shall such female be removed to the Tewksbury state hospital and infirmary or to any penal or reformatory institution for the purpose of giving birth. An inmate so removed shall be kept in such hospital until the physician thereof shall certify to said commissioner that she may safely be removed, whereupon the commissioner shall issue an order for her return to prison or to the department for defective delinquents.

Hospitaliza-
tion of preg-
nant females.

SECTION 3. Section one hundred and twenty-three of said chapter one hundred and twenty-seven, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "removal" in the sixth line the words: — of a prisoner, — and by adding at the end the following sentence: — The expense of removing, under section one hundred and seventeen or one hundred and eighteen, a person under commitment to a department for defective delinquents, shall be paid by the institution from which such person is removed; and all hospital expenses incurred under either of said sections in connection with a prisoner or a person under commitment as aforesaid shall be paid by the prison or institution from which such person is removed, — so as to read as follows: — *Section 123.* The expense of removing a prisoner from one jail or house of correction to another shall be paid by the county from which he is removed. The expense of removing a prisoner to or from a state institution by order of the commissioner shall be paid upon bills approved by him, out of the appropriation for the removal of prisoners, except that when a removal of a prisoner is made at the request of the trustees of any institution, or under section one hundred and seventeen or one hundred and eighteen, the expense thereof shall be borne by the institution from which the prisoner is removed. The expense of removing a prisoner to the Bridgewater state hospital or to a state hospital shall be paid by the prison from which the prisoner is removed. The expense of removing, under section one hundred and seventeen or one hundred and eighteen, a person under commitment to a department for defective delinquents, shall be paid by the institution from which such person is removed; and all hospital expenses incurred under either of said sections in

G. L. (Ter.
Ed.), 127,
§ 123, amended.

Expense of
removal of
prisoners.

connection with a prisoner or a person under commitment as aforesaid shall be paid by the prison or institution from which such person is removed. *Approved July 23, 1941.*

Chap. 511 AN ACT MAKING CERTAIN CHANGES IN THE ELECTION LAWS MADE NECESSARY BY THE USE OF VOTING MACHINES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 50, § 1, amended.

SECTION 1. Section one of chapter fifty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "city" in the seventh line the following new paragraph: —

"Ballot labels" defined.

"Ballot labels" shall mean printed strips of cardboard or paper for use on voting machines, containing the names and addresses of candidates for each office and the questions submitted to the voters at the election except such questions as shall appear on separate ballots, as determined by the state secretary under section thirty-five A of chapter fifty-four.

G. L. (Ter. Ed.), 50, § 1, further amended.

SECTION 2. Said section one of said chapter fifty is hereby further amended by striking out the paragraph appearing in the fifty-fourth and fifty-fifth lines and inserting in place thereof the following paragraph: —

"Official ballot" defined.

"Official ballot" shall mean a ballot prepared for any primary, caucus or election by public authority and at public expense, and where voting machines are used shall include ballot labels.

G. L. (Ter. Ed.), 53, § 33, amended.

Voting machine sample ballot.

SECTION 3. Section thirty-three of chapter fifty-three of the General Laws, as so appearing, is hereby amended by adding at the end the following new sentence: — In places where voting machines are used, three ballots entitled "Voting Machine Sample Ballots", to be in such form as may be determined by the state secretary or the city or town clerk, as the case may be, shall also be so provided.

G. L. (Ter. Ed.), 53, § 36, amended.

SECTION 4. Section thirty-six of said chapter fifty-three, as so appearing, is hereby amended by inserting after the word "ballots" in the ninth line the words: — , or, in the case of polling places where voting machines are used, three voting machine sample ballots, described in section thirty-three, — so that the sentence contained in lines seven to twelve, inclusive, will read as follows: — The presiding officer at each polling place shall, before the opening of the primary, conspicuously post in such polling place at least six specimen ballots, or, in the case of polling places where voting machines are used, three voting machine sample ballots, described in section thirty-three, for each party, which shall be kept so posted until the polls are closed, except that where voting booths are provided two of the six specimen ballots for each party may be posted on the outside of the booth.

Posting of sample ballots in polling places.

G. L. (Ter. Ed.), 54, § 35A, etc., amended.

SECTION 5. Section thirty-five A of chapter fifty-four of the General Laws, inserted by section three of chapter two

hundred and eighty-one of the acts of nineteen hundred and thirty-eight, is hereby amended by adding at the end the following new sentence:— When the state secretary shall determine that it is not feasible to have a question or questions submitted to the people under Article XLVIII of the amendments to the constitution with the required description or descriptions thereof appear on the voting machine, he shall prepare separate ballots containing such question or questions and provide such ballots for each such polling place, in accordance with section forty-five, to be used by the voters casting their votes by the use of the voting machine, and one such ballot shall be furnished to each voter as he prepares to cast his vote by the use of such a machine.

Ballots for referendum, when used.

SECTION 6. Section thirty-five B of said chapter fifty-four, as so inserted, is hereby amended by striking out the second sentence of the second paragraph and inserting in place thereof the following sentence:— The totals of ballots cast by challenged voters, of absent voting ballots cast and of separate ballots cast upon questions submitted to the voters under Article XLVIII of the amendments to the constitution shall be recorded separately or on separate total sheets and added to the total vote cast by the use of voting machines for each candidate and for each question.

G. L. (Ter. Ed.), 54, § 35B, etc., amended.

Recording votes.

SECTION 7. Said section thirty-five B is hereby further amended by striking out, in the twenty-fifth and twenty-sixth lines, the words "or thirty-five B",— so that the third paragraph will read as follows:—

G. L. (Ter. Ed.), 54, § 35B, further amended.

All provisions of law relative to primaries and elections, so far as applicable to the use of voting machines and not inconsistent with this section or section thirty-five A, shall apply to all primaries and elections held at polling places where voting machines are used.

Law applicable, when.

Approved July 23, 1941.

AN ACT RELATIVE TO PERSONNEL IN THE OFFICE OF THE STATE SUPERINTENDENT OF BUILDINGS.

Chap. 512

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make immediately available to the state superintendent of buildings certain personnel in view of the large amount of extra work imposed upon said superintendent on account of the present national emergency, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section seven of chapter thirty of the General Laws, as amended by section one of chapter four hundred and fourteen of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "commission" the first time it occurs in the sixth line the words:—, the state superintendent of buildings,— so as to read

G. L. (Ter. Ed.), 30, § 7, etc., amended.

Appointment
and removal
of confidential
employees.

as follows:— *Section 7.* Each officer, board and commission having supervision and control of an executive or administrative department, including each commissioner of the commission on administration and finance and the officer in charge of the division of personnel and standardization of said commission, the state superintendent of buildings, the alcoholic beverages control commission and the state racing commission, but not including the several boards serving in the division of registration of the department of civil service and registration, may appoint and remove a person to serve as a confidential secretary. Such appointment shall be in accordance with the provisions of sections forty-five to fifty, inclusive, of this chapter and shall be exempt from the provisions of chapter thirty-one.

Approved July 24, 1941.

Chap. 513 AN ACT RELATIVE TO THE BORROWING OF MONEY BY THE TOWN OF PLYMOUTH FOR THE PURPOSE OF IMPROVING PLYMOUTH HARBOR.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter sixty-four of the acts of the current year is hereby amended by inserting after the word "purpose" in the seventeenth line the words:— from available funds or voted, — so as to read as follows:— *Section 1.* For the purpose of meeting the share of the town of Plymouth of the cost of the work of improving Plymouth harbor, by dredging and otherwise, said work to be done by said town itself, or by said town in co-operation with the federal government and the state department of public works, or either of them, the said town of Plymouth may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Plymouth Harbor Improvement Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose from available funds or voted to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit, and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 24, 1941.

AN ACT AUTHORIZING THE MERGER AND CONSOLIDATION OF *Chap. 514*
BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and fifty-six of the General Laws is hereby amended by striking out section thirty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 36.* The president, treasurer and directors of every corporation shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are officers thereof if any stock is issued in violation of section fifteen, sixteen, forty-six B or forty-six D, or if any statement or report required by this chapter is made by them which is false in any material representation and which they know to be false; but directors who vote against such issue, and are recorded as so voting, shall not be so liable, and only the officers signing such statement or report shall be so liable; provided, that if a report of condition as a whole states the condition of the corporation with substantial accuracy, in accordance with usual methods of keeping accounts, it shall not be deemed to be false; and, provided, also, that the officers or directors signing a false report of condition shall be liable only for debts contracted and contracts entered into before the filing of the next subsequent report of condition, and only to persons who shall have relied upon such false report to their damage.

G. L. (Ter. Ed.), 156, § 36, amended.

Liability of president, treasurer and directors.

SECTION 2. Said chapter one hundred and fifty-six is hereby further amended by inserting after section forty-six, as so appearing, the five following new sections under the caption MERGER AND CONSOLIDATION.: — *Section 46A.* A corporation owning all the stock of a corporation which is engaged in a business similar or incidental to the business in which the owning corporation is authorized to engage, or owning all the stock of a foreign corporation qualified to transact business in this commonwealth under chapter one hundred and eighty-one and is engaged in a similar or incidental business may, if the laws of the state where such foreign corporation is incorporated permit, by vote of a majority of the board of directors of the owning corporation merge with the corporation whose stock it owns. Within thirty days after any meeting at which such merger has been voted, articles of amendment setting forth said vote and a certificate of the ownership of all the stock of the corporation with which it has so voted to merge, signed and sworn to by the president, treasurer and a majority of the directors of the owning corporation, shall be submitted to the commissioner, who shall examine them as in the case of articles of organization, and, if he finds that they conform to the provisions of law relative to the merger of corporations, he shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall, upon

G. L. (Ter. Ed.), 156, new sections 46A to 46E, inserted.

Merger of corporations.

Procedure, etc.

payment of the fee provided in section fifty-five, be filed in the office of the state secretary. No merger shall take effect until the articles of amendment have been filed as aforesaid.

Property
to vest in
resulting
corporation.

Upon the filing of such articles, all of the property, real, personal and mixed, and the rights, privileges and franchises of the merged corporation shall vest in and be held and owned by the resulting corporation as the same were before held and owned by the merged corporation, subject, however, to all the liabilities and obligations including taxes of the merged corporation, and the rights of creditors thereof, for which the resulting corporation shall be liable in the same manner and to the same extent as if it had itself incurred such liabilities and obligations. The resulting corporation shall not thereby acquire power to engage in any business or to exercise any right, privilege or franchise which it could not lawfully engage in or exercise under the law under which it existed immediately prior to the merger.

Articles to
be filed in
registries of
deeds, when.

The resulting corporation shall, within twenty days of the filing of such articles with the state secretary, file a copy thereof, certified by the state secretary, in the registry of deeds in every district in which real property of the merged corporation is situated.

Consolidation
of corporations.
Procedure,
etc.

Section 46B. Two or more corporations may be consolidated into one corporation, which may be a new corporation or one of the constituent corporations, by the filing of articles of amendment, approved as hereinafter provided, which shall be entitled "Amendment — Articles of consolidation of _____ and _____ into _____", pursuant to section forty-six B of chapter one hundred and fifty-six of the General Laws", the blank spaces, other than the last blank space, being filled with the names of the constituent corporations and the last blank space being filled with the name of the corporation formed by the consolidation, herein and in sections forty-six C and forty-six D called the consolidated corporation, and shall set forth:

1. The name of each corporation to be included in the consolidation.

2. The total number of shares which each corporation included in the consolidation has been authorized to issue, the par value, if any, the terms thereof, and the amount of stock issued, set forth in the manner provided in section forty-four.

3. (a) The name of the consolidated corporation, which name may be that of any of the constituent corporations or any other name permitted by section nine of chapter one hundred and fifty-five.

(b) The location of the principal office of the consolidated corporation in the commonwealth, or elsewhere in the case of a corporation formed to do business wholly outside the commonwealth.

(c) The purposes for which the consolidated corporation is formed and the nature of the business to be transacted,

and, if formed for the purposes mentioned in section seven, a statement limiting the term of said consolidated corporation to fifty years.

(d) The total amount of capital stock of the corporation to be authorized and the number of shares into which the capital stock is to be divided, and the par value of the shares, which shall not be less than one dollar, and the number of shares without par value to be authorized.

(e) The restrictions, if any, imposed upon the transfer of shares.

(f) If there are two or more classes of stock, a description of the different classes and a statement of the terms on which they are to be created and the method of voting thereon.

(g) Any other lawful provisions for the conduct and regulation of the business of the consolidated corporation, for its voluntary dissolution, or for limiting, defining or regulating the powers of the consolidated corporation, or of its directors, or stockholders, or of any class of stockholders.

4. A statement in accordance with the requirements of section sixteen, setting forth the amount of capital stock proposed to be issued and the consideration therefor. The amount of consideration received by the consolidated corporation for the issuance of such of its shares as are substituted upon conversion for previously issued and outstanding shares of the constituent corporations shall be deemed to be the amount for which such previously issued shares were issued. The aggregate par value of the shares with a par value of the consolidated corporation substituted upon conversion for previously issued and outstanding shares of the constituent corporations shall not exceed the aggregate value of the property of the constituent corporations.

Statement
of capital
stock, etc.

5. The terms and conditions of the consolidation, if any; the mode of carrying same into effect and the manner of converting the shares of each of the constituent corporations into shares of the consolidated corporation, or, if the consolidated corporation is to be one of the constituent corporations and the outstanding shares of such surviving constituent corporation are not to be changed, the manner of converting the shares of each of the other constituent corporations into shares of the consolidated corporation.

Terms and
conditions of
consolidation.

The articles of consolidation may contain such other provisions as might be included in an agreement of association, or amendments thereto, pursuant to this chapter, together with any provisions deemed necessary or desirable in connection with the consolidation, but no articles of consolidation shall be deemed to confer upon the consolidated corporation any powers, rights, privileges or franchises inconsistent with this chapter.

The articles of consolidation shall be approved by each constituent corporation by affirmative vote, at a meeting called for the purpose, of two thirds of each class of stock

Articles of
consolidation
to be approved
by stock-
holders.

outstanding and entitled to vote, or by a larger vote if the agreement of association or act of incorporation so requires. Notice of such meeting, stating the action proposed to be taken thereat, shall be mailed to every stockholder of each constituent corporation at least thirty days prior to such meeting. Such articles of consolidation shall be signed and sworn to by the president, treasurer and a majority of the board of directors of each constituent corporation, who shall make affidavit stating that they have been authorized to execute and file said articles by vote of the stockholders in accordance with the foregoing requirements. The articles of consolidation shall be submitted to the commissioner within thirty days of the last of said stockholders' meetings. The commissioner shall examine them as in the case of articles of organization, and if he finds that they conform to law shall so certify and endorse his approval thereon. Thereupon the articles of consolidation shall be filed in the office of the state secretary.

Filing fee.

The filing fee to be paid to the state secretary for any increase of capital stock, based upon the increase of the authorized capital stock of the consolidated corporation above the total aggregate capital stock theretofore authorized for the constituent corporations, shall be determined in the manner provided by section fifty-four, except that the fee shall in no event be less than fifty dollars.

Consolidation effective, when.

No amendment or alteration shall take effect until the articles of consolidation have been filed as aforesaid, and, upon such filing, the articles of organization, charter, or special act incorporating any constituent corporation surviving the consolidation shall be deemed amended to the extent necessary to make them or it conform to the articles of consolidation.

Articles to be filed in registries of deeds, when.

The consolidated corporation shall within twenty days of the filing of the articles of consolidation with the state secretary file a certified copy thereof in the registry of deeds in every district in which real property of any constituent corporation is situated.

The term "constituent" as used in sections forty-six B to forty-six D, inclusive, shall include "merged".

Property to vest in consolidated corporation.

Section 46C. Upon the filing of the articles of consolidation with the state secretary, all of the estate, property, rights, privileges, powers and franchises of the constituent corporations and all of their property, real, personal and mixed, and all the debts due on whatever account to any of them, as well as all stock subscriptions and other choses in action belonging to any of them, shall be transferred to and vested in the consolidated corporation, without further act or deed, and all claims, demands, property and other interest shall be the property of the consolidated corporation, and the title to all real estate, vested in any of the constituent corporations, shall not revert or be in any way impaired by reason of the consolidation, but shall be vested in the consolidated corporation.

The rights of creditors of any constituent corporation shall not in any manner be impaired, nor shall any liability or obligation, including taxes due or to become due, or any claim or demand in any cause existing against such corporation, or any stockholder or officer thereof, be released or impaired, by any such consolidation, but such consolidated corporation shall be deemed to have assumed, and shall be liable for, all liabilities and obligations of each of the constituent corporations in the same manner and to the same extent as if such consolidated corporation had itself incurred such liabilities or obligations. The stockholders and officers of the constituent corporations shall continue subject to all the liabilities, claims and demands existing against them as such at or before the consolidation and no action or proceeding then pending before any court or tribunal in which any constituent corporation is a party, or in which any stockholder or officer is a party, shall abate or be discontinued by reason of such consolidation, but may be prosecuted to final judgment as though no consolidation had taken place, or such consolidated corporation may be substituted as a party in place of any constituent corporation by the court in which such action or proceeding is pending.

Liabilities of
constituent
corporations.

Section 46D. A corporation may be consolidated or merged with a business corporation organized under the laws of any other state, if the laws of such other state permit, to form one corporation, which may be a new corporation or one of the constituent corporations, by the filing of articles of amendment, approved as hereinafter provided, which shall be entitled "Amendment — Articles of consolidation of and into , pursuant to section forty-six D of chapter one hundred and fifty-six of the General Laws", the blank spaces, other than the last blank space, being filled with the names of the constituent corporations and the states in which they are incorporated, and the last blank space being filled in with the name of the consolidated corporation. Said articles shall set forth:

Consolidation,
etc., with
foreign cor-
poration.
Procedure,
etc.

(a) If the consolidated corporation is to be a domestic corporation:

1. The name of each corporation included in the consolidation and, in the case of a corporation incorporated under the laws of another state, the name of such state, the date of incorporation, and, if it is authorized to transact business in this commonwealth, the date on which it qualified in accordance with chapter one hundred and eighty-one.

2. Such further information as is required to be or may be set forth in accordance with section forty-six B.

(b) If the consolidated corporation is to be incorporated under the laws of another state:

1. The information required under clause (a) hereof.

2. The consolidated corporation shall agree that it may be sued in this commonwealth for any prior obligation of

Prior obli-
gations of
constituent
corporations.

any constituent domestic corporation, any prior obligation of any constituent foreign corporation qualified under chapter one hundred and eighty-one, and any obligation thereafter incurred by the consolidated corporation, including the obligation created by section forty-five A, so long as any liability remains outstanding against the corporation in this commonwealth, and it shall irrevocably appoint the commissioner as its agent to accept service of process in any action for the enforcement of any such obligation, including taxes, in the same manner as provided in said chapter one hundred and eighty-one.

Commissioner to be appointed agent for service of process.

The articles of consolidation shall be approved by each constituent corporation by the affirmative vote, at a meeting called for the purpose, of two thirds of each class of stock outstanding and entitled to vote, or by a larger vote if the agreement of association or act of incorporation so requires. Notice of such meeting shall be given as provided in section forty-six B and in compliance with the laws of the state under which such constituent corporation was organized. The articles of consolidation shall be signed and sworn to by the president, treasurer and a majority of the board of directors of each constituent corporation, who shall make affidavit stating that they have been authorized to execute and file such articles by vote of the stockholders in accordance with the foregoing requirements. The articles of consolidation shall be submitted to the commissioner within thirty days of the last of said stockholders' meetings. The commissioner shall examine them as in the case of articles of organization and, if he finds that they conform to law, he shall so certify and endorse his approval thereon. Thereupon the articles of consolidation shall be filed in the office of the state secretary and the consolidation shall become effective.

Approval by two thirds or larger vote.

Filing fee.

If the consolidated corporation is to be a domestic corporation the filing fee to be paid to the state secretary for any increase of capital stock, based upon the increase of the authorized capital stock of the consolidated corporation over the total aggregate capital previously authorized for the constituent domestic corporations, shall be determined in the manner provided by section fifty-four, except that the fee shall not be less than fifty dollars, and except that if the consolidated corporation is to be a foreign corporation the filing fee shall be one hundred dollars.

Effect on constituent corporation.

When any consolidation becomes effective the articles of organization, charter, or special act incorporating any constituent domestic corporation surviving the consolidation shall be deemed amended to the extent necessary to make the same conform to the articles of consolidation.

Articles to be filed in registries of deeds, when.

The consolidated corporation shall, within twenty days of the filing of the articles of consolidation with the state secretary, file a certified copy thereof in the registry of deeds in every district in which real property of any constituent corporation is situated.

Section forty-six C shall apply to corporations consolidated pursuant to this section.

The directors who sign articles of consolidation as provided in sections forty-six B to forty-six D, inclusive, and the officers and directors who sign any amendment thereof, shall be jointly and severally liable to any stockholder of the consolidated corporation for actual damages caused by any statement therein which is false and which they know, or on reasonable examination could have known, to be false.

Liability of officers and directors.

Section 46E. A stockholder in any corporation which shall have duly voted to consolidate with another corporation in accordance with section forty-six B or forty-six D, who, at the meeting of stockholders, has voted against such consolidation, if entitled to vote, or, if not entitled to vote, has registered his disapproval in writing with the corporation at or before said meeting, may, within thirty days after the date on which the articles of consolidation were filed, make a written demand upon the consolidated corporation for payment for his stock. If such corporation and the stockholder cannot agree upon the value of the stock at the date of the consolidation, such value shall be ascertained and the stock paid for by and transferred to the consolidated corporation in the manner provided in section forty-six.

Purchase of stock from holders disapproving consolidation.
Determination of value.

Approved July 24, 1941.

AN ACT RELATIVE TO CONTRIBUTIONS BY THE COUNTY OF BARNSTABLE TO THE COST OF CONSTRUCTING SEA WALLS OR OTHER WORKS TO BE BUILT BY THE DEPARTMENT OF PUBLIC WORKS.

Chap. 515

Be it enacted, etc., as follows:

Section one of chapter two hundred and seventy-five of the acts of nineteen hundred and thirty-three, as most recently amended by chapter thirty-nine of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the fifth line, the word "forty" and inserting in place thereof the word: — forty-four, — so as to read as follows: — *Section 1.* The county of Barnstable is hereby authorized to contribute to the cost of constructing sea walls or other works to be built by the department of public works during the years nineteen hundred and thirty-three to nineteen hundred and forty-four, inclusive, under the provisions of section eleven of chapter ninety-one of the General Laws for the protection of the shores of the towns in said county from erosion by the sea, and the treasurer of said county, with the approval of the county commissioners, may pay the county's proportion of such cost from the highway appropriation or, for the purpose of so contributing, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, sixty-eight thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on

their face the words, Barnstable County Shore Protection Loan, Act of 1933. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell such securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved July 24, 1941.

Chap.516 AN ACT AUTHORIZING THE TOWN OF CHATHAM TO BORROW MONEY FOR MEETING ITS SHARE OF THE COST OF DREDGING THE PRESENT CHANNEL OR A NEW CHANNEL INTO CHATHAM HARBOR IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of meeting its share of the expenditures required to dredge the present channel or a new channel into Chatham harbor in the town of Chatham, with a view to improving said harbor for navigation, all of such work to be done by the state department of public works under and subject to section twenty-nine of chapter ninety-one of the General Laws, said town may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirteen thousand dollars, and may issue notes therefor, which notes shall bear on their face the words, Chatham Harbor Dredging Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates; provided, that no money shall be borrowed and no notes shall be issued hereunder unless the sum of at least two thousand dollars towards payment of the expenses aforesaid is voted for the same purpose from available funds or voted to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 24, 1941.

Chap.517 AN ACT PROVIDING FOR A RECLASSIFICATION OF THE OFFICES AND POSITIONS IN THE DIVISION OF UNEMPLOYMENT COMPENSATION OF THE DEPARTMENT OF LABOR AND INDUSTRIES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay for the prompt and efficient administration of the laws relating

to unemployment compensation by reclassification of certain offices and positions in the division of unemployment compensation, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The director of personnel and standardization shall reclassify in accordance with chapter thirty of the General Laws all offices and positions in the division of unemployment compensation in the department of labor and industries, established under chapter twenty-three of the General Laws, except deputies and assistants referred to in subsection (a) of section nine I of said chapter twenty-three, and under chapter one hundred and fifty-one A of the General Laws.

SECTION 2. Upon the completion of said reclassification the director of the division of unemployment compensation, with the approval of the director of civil service, shall prepare a list of employees who, upon the effective date of this act, are in the classified service as defined by the civil service laws and regulations and are performing duties in offices and positions affected by the reclassification, and who have satisfied the director of the division of unemployment compensation by actual performance of such duties that they are capable, efficient and qualified to perform the duties of the offices and positions newly reclassified.

Such list shall contain the name of each such employee, and a statement as to the employee's qualifications to perform the duties of the offices and positions as reclassified; the length of time during which the employee has performed said duties as reclassified; and the quality of service rendered to the division of unemployment compensation.

(a) The director of the division of unemployment compensation shall thereupon transmit such list to the director of civil service together with a request that the employees now performing duties in offices and positions as reclassified shall be given the titles of the offices or positions as reclassified.

(b) The director of civil service on receipt of the list transmitted under paragraph (a) shall forthwith proceed to give a qualifying examination to each employee on the list to determine his qualifications to perform the duties of the office or position he holds and which has been reclassified.

(c) If said employee qualifies under the foregoing examination, the director of civil service shall thereupon certify that the employee is qualified to perform the duties of the office or position as reclassified. If said employee fails to qualify under such examination, said director shall transmit to the director of the division of unemployment compensation notice of the results of said examination. Upon notification by the director of civil service that an employee is certified to perform the duties of the reclassified office or

position, the director of the division of unemployment compensation shall transfer or promote such employee to the office or position as reclassified.

(d) After any reclassified office or position has been filled in the manner herein provided, any vacancy occurring thereafter in such office or position shall be filled in accordance with chapter thirty-one of the General Laws and all rules and regulations of the division of civil service as may then prevail.

(e) Nothing in this section shall cause to any permanent employee of the division of unemployment compensation the loss of any remuneration or any legal rights acquired under chapters thirty-one and thirty-two of the General Laws.

Approved July 24, 1941.

Chap. 518 AN ACT RELATIVE TO THE MARKING, CONSTRUCTION AND INSTALLATION OF HOT WATER TANKS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 142,
§ 17, etc.,
amended.

Marking of
range boilers.

SECTION 1. Chapter one hundred and forty-two of the General Laws is hereby amended by striking out section seventeen, as amended by chapter two hundred and thirty-four of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section: — *Section 17.* No range boiler, tank, vessel or container, ferrous or non-ferrous, in which water is to be heated or stored under pressure for domestic, culinary or sanitary purposes, in this section and in sections eighteen and nineteen referred to as hot water tanks, shall be sold or offered for sale unless it is plainly marked, by stamping into the metal of the tank, or on a metal plate permanently attached to the tank, in a conspicuous place, as follows: —

A. Manufacturer's name or registered trade mark.

B. Rated capacity of hot water tank in United States gallons.

C. Hydrostatic pressure in pounds per square inch at which the tank has been tested by the manufacturer, following the words: "Tested to . . ."

D. Maximum allowable working pressure in pounds per square inch.

G. L. (Ter.
Ed.), 142,
§ 18, amended.

SECTION 2. Said chapter one hundred and forty-two is hereby further amended by striking out section eighteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 18.* No hot water tank shall be repaired, relocated or installed and connected, unless it meets the following construction requirements: —

Repair, etc.,
of hot water
tanks regu-
lated.

A. The actual capacity of a hot water tank shall be within seven and one half per cent of the capacity stamped on the tank.

B. A hot water tank shall be so constructed by riveting, welding, or otherwise, as to withstand the stamped test pressure without visible permanent distortion, and be so

designed as to have an ultimate strength sufficient to withstand a hydrostatic pressure twenty-five per cent higher than the stamped test pressure.

C. Solder which melts at a temperature below seven hundred degrees Fahrenheit shall not be used to hold the tank together, but may be used to make it water tight, cistern tanks excepted.

D. A hot water tank in which water is to be heated or stored under pressure greater than fifteen pounds per square inch shall have a stamped test pressure of not less than two hundred pounds per square inch.

E. The maximum working pressure at which a hot water tank may be installed shall not be greater than forty-two and one half per cent of the test pressure marked on the tank.

SECTION 3. Said chapter one hundred and forty-two is hereby further amended by striking out section nineteen, as so appearing, and inserting in place thereof the following section:— *Section 19.* No hot water tank shall be installed and connected unless it is protected with safety devices as follows:—

G. L. (Ter. Ed.), 142, § 19, amended.

Safety devices for hot water tanks.

A. A hot water tank in which water is to be heated or stored under pressure greater than fifteen pounds per square inch shall be equipped with a suitable pressure relief valve installed in a tapping in the tank or in the cold water supply line, or the hot water outlet line, with no shut-off valve between the relief valve and the tank. The pressure relief valve shall be set by the manufacturer to operate at a pressure not more than twenty pounds above the maximum working pressure stamped on the tank, and shall be so constructed that said setting cannot be exceeded by normal means of adjustment.

B. A hot water tank to which a heating device or appliance capable of delivering water to the tank at a temperature greater than two hundred and twelve degrees Fahrenheit is connected shall be equipped with a suitable temperature relief valve so adjusted and installed as to prevent development of or accumulation of water which is at a temperature in excess of two hundred and twelve degrees Fahrenheit. Said temperature relief valve shall be installed in a tapping directly in or on the tank within twelve inches of the top of a vertical tank, or within six inches of the top of a horizontal tank, with no fittings between the valve and the tank, except that a bushing may be used to reduce the tapping to fit the valve, or the valve shall be installed in the hot water outlet pipe as close to the top of the tank as possible. In no case shall the heat sensitive member of the temperature relief valve be more than five inches away from the top of the tank. The discharge outlet of the temperature relief valve shall be connected by means of a non-ferrous pipe or tubing not less than three eighth inch inside diameter, with no shut-off, to an open plumbing fixture, or to within twelve inches of the basement floor.

A thermostatically controlled hot water tank may be protected by an automatic fuel shut-off device in addition to the thermostat. Such shut-off device shall be installed in the same location and perform the same function as said temperature relief valve.

C. All parts of temperature and pressure relief valves which are in contact with water shall be made of non-ferrous metals or materials having suitable corrosion resisting properties. All pipe and fittings between relief valves and the hot water tank shall be of non-ferrous metals.

D. Relief valves shall be marked by the manufacturer, by stamping or casting in the metal of the valve, or on a metal tag permanently attached to the valve, as follows:—

1. Manufacturer's name or registered trade mark.
2. The type or style, or the type and style, of the valve.
3. The pressure setting of the valve in pounds per square inch.
4. The temperature setting in degrees Fahrenheit.
5. Temperature relieving capacity in B. T. U. per hour.

E. Temperature and pressure relief valves and other devices referred to in this section shall be subject to the approval of the inspectors of plumbing or other proper authorities.

F. All pipes and fittings in the circulating system between a hot water tank and the heating device or appliance shall be non-ferrous, and of ample size so as to make it possible to heat seventy-five per cent of the available water in the tank without raising the temperature of any part of the water above two hundred and twelve degrees Fahrenheit.

SECTION 4. Said chapter one hundred and forty-two is hereby further amended by inserting at the end the following new section:— *Section 22*. Whoever violates any provision of section seventeen, eighteen or nineteen shall be punished by a fine of not more than fifty dollars. Inspectors of plumbing or other proper authorities shall cause the provisions of said sections to be enforced.

Approved July 24, 1941.

G. L. (Ter. Ed.), 142, new section 22, inserted.
Penalty.

Chap. 519 AN ACT GIVING THE DEPARTMENT OF PUBLIC WORKS IN CONNECTION WITH STATE HIGHWAYS AND OTHER PUBLIC WAYS UNDER ITS JURISDICTION THE POWER TO TAKE A SLOPE EASEMENT, SO CALLED, IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 81, new section 7B, inserted.

Taking of land for slope easements.

Chapter eighty-one of the General Laws is hereby amended by inserting after section seven A, inserted by chapter three hundred and forty-four of the acts of nineteen hundred and thirty-seven, the following new section:— *Section 7B*. Wherever in this chapter the department is authorized to take land by eminent domain under chapter seventy-nine, in connection with the laying out, widening or relocating of a public way, the department shall be authorized to take,

or institute proceedings for the taking of, an easement in land adjoining the location of the public way consisting of the right to have the land of the location protected by having the surface of the adjoining land slope from the boundary of the location.

Approved July 24, 1941.

AN ACT MAKING CERTAIN PROVISIONS OF LAW RELATIVE TO THE APPROVAL AND PUBLICATION OF BY-LAWS INAPPLICABLE TO CITIES, AND VALIDATING CERTAIN ORDINANCES HERETOFORE ADOPTED BY CITIES.

Chap. 520

Be it enacted, etc., as follows:

SECTION 1. Section thirty-two of chapter forty of the General Laws, as most recently amended by section one of chapter one hundred and eighty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end the following new sentence:— This section shall not apply to cities, — so as to read as follows:—

Section 32. Before a by-law takes effect it shall be approved by the attorney general and shall be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town be divided into precincts copies shall be posted in one or more public places in each precinct of the town; or, instead of such publishing in a town bulletin or pamphlet and such posting, shall be published at least three times in one or more newspapers, if any, published in the town, otherwise in one or more newspapers published in the county. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newspapers, as above, may be dispensed with if notice of the by-law be given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

G. L. (Ter. Ed.), 40, § 32, etc., amended.

Publication of by-laws.
Approval by attorney general.

SECTION 2. All ordinances adopted by a city under authority of any provision of general or special law, in so far as they may be invalid by reason of failure to comply with the provisions of section thirty-two of chapter forty of the General Laws, as in effect immediately prior to the effective date of this act, are hereby validated and confirmed, and shall have the same force and effect as though said section thirty-two were not applicable to cities.

Approved July 24, 1941.

AN ACT AUTHORIZING THE DRACUT WATER SUPPLY DISTRICT TO OBTAIN ADDITIONAL SOURCES OF WATER SUPPLY.

Chap. 521

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and thirty-three of the acts of nineteen hundred and five is hereby amended

by striking out section two and inserting in place thereof the following section: — *Section 2.* Said district, for the purposes aforesaid, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground water sources of supply by means of driven, artesian or other wells, within the town of Dracut or the town of Tyngsboro not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things, as may be necessary for the establishment and maintenance of complete and effective water works, and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in either of said towns, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things shall be done upon any such way shall be subject to the direction of the authorities having charge of such way. Said district may enter upon any lands

for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district present and voting thereon, by the use of a check list, at a district meeting called within four years after its passage, but not otherwise.

Approved July 24, 1941.

AN ACT FURTHER REGULATING THE NUMBER OF LICENSES THAT MAY BE ISSUED IN CITIES AND TOWNS FOR THE SALE OF ALCOHOLIC BEVERAGES.

Chap. 522

Be it enacted, etc., as follows:

Section seventeen of chapter one hundred and thirty-eight of the General Laws, as most recently amended by chapter two hundred and sixty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the next to the last paragraph, as appearing in section three of chapter four hundred and twenty-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 138, § 17, etc., amended.

Notwithstanding the provisions hereof, no quota established hereunder for any city or town shall be decreased because of a loss in population of less than one thousand inhabitants, and no licensee shall be refused a renewal of his license in any year because of any loss in population as determined by the national census of the year nineteen hundred and forty.

Number of licenses.

Approved July 24, 1941.

AN ACT RELATIVE TO FUNDS RECEIVED BY THE COMMISSIONER OF PUBLIC WELFARE FOR THE BENEFIT OF PERSONS UNDER THE CARE AND SUPERVISION OF THE DEPARTMENT OF PUBLIC WELFARE.

Chap. 523

Be it enacted, etc., as follows:

Chapter one hundred and twenty-one of the General Laws is hereby amended by striking out section eight A, inserted by section two of chapter three hundred and eleven of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 8A.* The commissioner may receive funds in trust for the use of illegitimate children or other persons under the care or supervision of the department. The commissioner shall deposit such funds in savings banks in the commonwealth or savings departments of trust companies therein and, when necessary, make expenditures from said funds for the benefit of or on behalf of the ward.

G. L. (Ter. Ed.), 121, § 8A, etc., amended.

Commissioner may receive trust funds.

Approved July 24, 1941.

Chap.524 AN ACT RELATIVE TO REIMBURSEMENT TO CITIES AND TOWNS
FOR CERTAIN SCHOOL SALARIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 70,
new section
1A, inserted.

Reimburse-
ment denied,
when.

Chapter seventy of the General Laws is hereby amended by inserting after section one, as appearing in the Tercentenary Edition, the following new section:— *Section 1A.* No town shall be entitled to reimbursement, as provided in section one, on account of salaries paid to any teacher or supervisor unless the major part of the time of such teacher or supervisor is devoted to teaching or supervising, in the schools of such town, subjects required to qualify pupils for graduation.

Approved July 24, 1941.

Chap.525 AN ACT RELATIVE TO ANNUAL RENEWAL OF ENGINEERS' AND
FIREMEN'S LICENSES AND LICENSES TO OPERATE HOISTING
MACHINERY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 146,
§ 67, amended.

License in
force for one
year unless
suspended
or revoked.

SECTION 1. Chapter one hundred and forty-six of the General Laws is hereby amended by striking out section sixty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 67.* A license shall continue in force for one year from the date of issue unless suspended or revoked for incompetence or untrustworthiness of the licensee, except that a special license shall not continue in force after the holder thereof ceases to be employed in the plant specified in the license. The inspector of the division for the town where a licensee resides may issue a renewal license, upon payment of a fee of one dollar. A person whose license is suspended or revoked shall surrender his license to the chief or an inspector of the division. If a new license of a different grade is issued, the old license shall be destroyed by the examiner.

Expiration of
certain exist-
ing licenses.

SECTION 2. All licenses under section sixty-four or sixty-five of chapter one hundred and forty-six of the General Laws in force on November first, nineteen hundred and forty-one, and which on said date will have been in force for one year or more, shall expire on said date, and all other such licenses in force on said date shall expire one year from the date of issue, unless sooner revoked or expiring.

Approved July 24, 1941.

Chap.526 AN ACT AUTHORIZING THE CITY OF NORTH ADAMS TO MAKE
AND ENFORCE ORDINANCES PROVIDING FOR THE CONTROL
OR PREVENTION OF SMOKE AND CINDERS.

Be it enacted, etc., as follows:

SECTION 1. The city of North Adams, by vote of its city council, may make ordinances for the control or prevention of the emission of smoke or cinders of such character

as shall be adjudged harmful, and for the control or prevention of agencies causing such smoke or cinders, and for the enforcement thereof may appoint officers or agents and appropriate money for salaries and for expenses; provided, that no such ordinance shall impose greater restrictions on the emission of smoke or cinders than are provided, in the metropolitan smoke abatement district, so called, by chapter six hundred and fifty-one of the acts of nineteen hundred and ten, as heretofore or hereafter amended.

SECTION 2. This act shall take effect upon its passage.

Approved July 25, 1941.

AN ACT DESIGNATING THE SQUARE AT THE INTERSECTION OF BEACH ROAD AND SHORE DRIVE IN THE TOWN OF WINTHROP AS FRED DINSFRIEND SQUARE.

Chap.527

Be it enacted, etc., as follows:

SECTION 1. The square at the intersection of Beach road and Shore drive in the town of Winthrop shall be known and designated as Fred Dinsfriend square, and a suitable tablet or marker bearing said designation shall be erected thereat by the metropolitan district commission.

SECTION 2. This act shall take effect upon its passage.

Approved July 25, 1941.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, FOR INTEREST AND DEBT REQUIREMENTS, FOR CERTAIN PERMANENT IMPROVEMENTS, AND GRANTING A COUNTY TAX FOR SAID COUNTIES.

Chap.528

Whereas, The deferred operation of this act would result in unnecessarily extending the period during which county expenditures would be made in anticipation of appropriation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The following sums are hereby appropriated for the counties hereinafter specified for the years nineteen hundred and forty-one and nineteen hundred and forty-two. No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of the county commissioners and with the approval of the director of accounts.

Item	Barnstable County.	
	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1 For interest on county debt, a sum not exceeding	\$3,415 00	\$2,620 00
2 For reduction of county debt, a sum not exceeding	43,000 00	37,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
3 For salaries of county officers and assistants, a sum not exceeding	\$22,725 00	\$22,755 00
4 For clerical assistance in county offices, a sum not exceeding	15,630 00	16,000 00
5 For salaries and expenses of district courts, a sum not exceeding	26,795 00	26,855 00
6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding	41,000 00	41,500 00
7 For criminal costs in superior court, a sum not exceeding	11,000 00	11,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	7,000 00	7,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,500 00	1,500 00
11 For medical examiners and commitments of insane, a sum not exceeding	1,900 00	1,900 00
12 For auditors, masters and referees, a sum not exceeding	3,000 00	2,500 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	8,196 69	6,769 52
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	20,844 56	20,996 56
16 For highways, including state highways, bridges and land damages, a sum not exceeding	56,900 00	63,383 33
18 For law libraries, a sum not exceeding	835 00	810 00
19 For training school, a sum not exceeding	250 00	250 00
20 For county aid to agriculture, a sum not exceeding	16,630 00	17,110 00
21 For sanatorium, a sum not exceeding	89,000 00	89,000 00
22 For health service, a sum not exceeding	10,880 00	11,030 00
23 For state fire patrol, a sum not exceeding	1,400 00	1,400 00
25 For contributory retirement system, a sum not exceeding	11,018 00	11,530 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	2,905 00	2,905 00
27 For unpaid bills of previous years, a sum not exceeding	500 00	250 00
28 For police training school, a sum not exceeding	3,150 00	3,000 00
29 For police radio station, a sum not exceeding	7,200 00	7,500 00
30 For advertising the recreational advantages of the county, a sum not exceeding	5,000 00	5,000 00
30a For forest fire apparatus, a sum not exceeding	5,000 00	-
30b For adjustment of unsettled accounts, upon approval of Director of Accounts, a sum not exceeding	1,207 50	-
31 For a reserve fund, a sum not exceeding	7,500 00	7,500 00

And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
on hand and the receipts from other sources, for the above purposes . . .	\$300,226 64	-
And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Berkshire County.

1 For interest on county debt, a sum not exceeding . . .	\$250 00	\$250 00
3 For salaries of county officers and assistants, a sum not exceeding . . .	29,700 00	29,820 00
4 For clerical assistance in county offices, a sum not exceeding . . .	13,400 00	13,700 00
5 For salaries and expenses of district courts, a sum not exceeding . . .	45,950 00	46,450 00
6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding . . .	41,500 00	41,800 00
7 For criminal costs in superior courts, a sum not exceeding . . .	9,500 00	9,500 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding . . .	10,000 00	10,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding . . .	1,200 00	1,000 00
11 For medical examiners and commitments of insane, a sum not exceeding . . .	5,000 00	5,000 00
12 For auditors, masters and referees, a sum not exceeding . . .	1,500 00	1,500 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding . . .	8,000 00	15,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding . . .	19,500 00	18,500 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding . . .	107,000 00	107,000 00
17 For examination of dams, a sum not exceeding . . .	1,000 00	500 00
18 For law libraries, a sum not exceeding . . .	3,000 00	3,000 00
19 For training school, a sum not exceeding . . .	1,200 00	1,200 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
20 For county aid to agriculture, a sum not exceeding	\$13,870 00	\$14,140 00
21 For sanatorium, a sum not exceeding	13,000 00	13,000 00
23 For Mount Greylock state reservation, a sum not exceeding	10,000 00	10,000 00
23a For Mount Everett state reservation, a sum not exceeding	2,000 00	2,000 00
25 For contributory retirement system, a sum not exceeding	7,527 00	7,721 00
26 For miscellaneous and contingent expenses, a sum not exceeding	2,750 00	4,500 00
27 For unpaid bills of previous years, a sum not exceeding	500 00	500 00
28 For W. P. A. projects, a sum not exceeding	1,500 00	1,500 00
30 For advertising the recreational advantages of the county, a sum not exceeding	5,000 00	6,000 00
31 For a reserve fund, a sum not exceeding	4,000 00	4,000 00
And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$291,108 82	-
And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Bristol County.

1 For interest on county debt, a sum not exceeding	\$4,000 00	\$4,000 00
2 For reduction of county debt, a sum not exceeding	22,000 00	17,700 00
3 For salaries of county officers and assistants, a sum not exceeding	48,500 00	48,500 00
4 For clerical assistance in county offices, a sum not exceeding	50,500 00	51,000 00
5 For salaries and expenses of district courts, a sum not exceeding	120,000 00	120,000 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	77,000 00	77,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
7 For criminal costs in superior courts, a sum not exceeding	\$85,000 00	\$65,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	41,500 00	41,500 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,200 00	1,200 00
11 For medical examiners and commitments of insane, a sum not exceeding	17,000 00	17,000 00
12 For auditors, masters and referees, a sum not exceeding	10,000 00	10,000 00
13 For building county buildings and purchase of land, a sum not exceeding	1,200 00	-
14 For repairing, furnishing and improving county buildings, a sum not exceeding	20,000 00	20,000 00
14a For repairs and furnishings of the jail and house of correction, a sum not exceeding	5,000 00	5,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	58,000 00	58,000 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	85,800 00	50,600 00
18 For law libraries, a sum not exceeding	9,250 00	9,250 00
19 For training school, a sum not exceeding	4,000 00	4,000 00
20 For agricultural school, a sum not exceeding	111,610 00	112,250 00
24 For non-contributory pensions, a sum not exceeding	10,513 87	10,513 87
25 For contributory retirement system, a sum not exceeding	21,053 00	21,614 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	6,500 00	6,500 00
27 For unpaid bills of previous years, a sum not exceeding	4,000 00	1,500 00
30b Adjustment of unsettled accounts upon approval of Director of Accounts, a sum not exceeding	8,575 65	-
31 For a reserve fund, a sum not exceeding	4,500 00	4,500 00
And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes .		
	\$647,436 63	-
And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		
<i>Dukes County.</i>		
1 For interest on county debt, a sum not exceeding	\$655 95	\$627 45
2 For reduction of county debt, a sum not exceeding	17,007 65	12,500 00
3 For salaries of county officers and assistants, a sum not exceeding	6,475 00	6,600 00
4 For clerical assistance in county offices, a sum not exceeding	2,000 00	2,000 00
5 For salaries and expenses of district courts, a sum not exceeding	6,500 00	6,500 00
6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding	2,500 00	2,500 00
7 For criminal costs in superior court, a sum not exceeding	6,000 00	2,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	1,000 00	1,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	500 00	450 00
11 For medical examiners and commitments of insane, a sum not exceeding	400 00	400 00
12 For auditors, masters and referees, a sum not exceeding	100 00	100 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	1,700 00	1,200 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	3,700 00	3,700 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	10,670 33	8,500 00
18 For law libraries, a sum not exceeding	500 00	300 00
20 For county aid to agriculture, a sum not exceeding	1,800 00	1,800 00
21 For sanatorium, a sum not exceeding	7,300 00	7,300 00
23 For Gay Head reservation, a sum not exceeding	5,000 00	1,900 00
25 For contributory retirement system, a sum not exceeding	1,000 00	1,000 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	800 00	800 00
27 For unpaid bills of previous years, a sum not exceeding	1,250 00	1,000 00
29 For Indian burial ground, a sum not exceeding	500 00	500 00
30 For advertising the recreational advantages of the county, a sum not exceeding	1,000 00	1,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
30a For county forest, a sum not exceeding .	\$100 00	\$100 00
31 For a reserve fund, a sum not exceeding .	500 00	1,000 00
And the county commissioners of Dukes county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes .		
	\$66,214 41	-
And the county commissioners of Dukes county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Essex County.

1 For interest on county debt, a sum not exceeding	\$1,000 00	\$2,000 00
2 For reduction of county debt, a sum not exceeding	42,000 00	46,000 00
3 For salaries of county officers and assistants, a sum not exceeding	65,300 00	66,000 00
4 For clerical assistance in county offices, a sum not exceeding	121,300 00	127,620 00
5 For salaries and expenses of district courts, a sum not exceeding	212,900 00	213,500 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	85,500 00	86,580 00
7 For criminal costs in superior courts, a sum not exceeding	67,000 00	67,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	80,000 00	80,000 00
9 For trial justices, a sum not exceeding	5,000 00	5,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,800 00	1,800 00
11 For medical examiners and commitments of insane, a sum not exceeding	16,000 00	16,000 00
12 For auditors, masters and referees, a sum not exceeding	20,000 00	20,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	25,900 00	27,500 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	\$82,550 00	\$84,000 00
15a For W. P. A. project for the consolidation of plans in the South Registry of Deeds, a sum not exceeding	2,000 00	—
16 For highways, including state highways, bridges and land damages, a sum not exceeding	265,000 00	272,300 00
18 For law libraries, a sum not exceeding	12,000 00	12,000 00
19 For training school, a sum not exceeding	46,300 00	47,000 00
20 For agricultural school, a sum not exceeding	184,081 00	186,788 00
24 For non-contributory pensions, a sum not exceeding	4,875 00	4,875 00
25 For contributory retirement system, a sum not exceeding	42,165 00	43,966 00
26 For miscellaneous and contingent expenses including insurance, a sum not exceeding	20,850 00	13,000 00
27 For unpaid bills of previous years, a sum not exceeding	3,500 00	3,500 00
28 For funds in closed banks, a sum not exceeding	27,821 33	—
31 For a reserve fund, a sum not exceeding	10,000 00	10,000 00
And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$1,104,591 15	—
And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Franklin County.

1 For interest on county debt, a sum not exceeding	\$8,100 00	\$7,937 50
2 For reduction of county debt, a sum not exceeding	25,000 00	26,000 00
3 For salaries of county officers and assistants, a sum not exceeding	18,820 00	18,820 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
4 For clerical assistance in county offices, a sum not exceeding	\$7,620 00	\$7,800 00
5 For salaries and expenses of district courts, a sum not exceeding	16,500 00	16,500 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	21,500 00	22,000 00
7 For criminal costs in superior courts, a sum not exceeding	10,000 00	10,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	8,000 00	8,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	400 00	400 00
11 For medical examiners and commitments of insane, a sum not exceeding	1,800 00	1,800 00
12 For auditors, masters and referees, a sum not exceeding	1,000 00	1,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	1,500 00	1,500 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	13,000 00	13,000 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	32,250 38	39,500 00
17 For examination of dams, a sum not exceeding	500 00	500 00
18 For law libraries, a sum not exceeding	2,800 00	2,800 00
19 For training school, a sum not exceeding	200 00	200 00
20 For county aid to agriculture, a sum not exceeding	13,625 00	13,715 00
21 For sanatorium (Hampshire County), a sum not exceeding	5,529 29	5,700 00
22 For Greenfield health camp (chapter 354, Acts of 1928), a sum not exceeding	2,000 00	2,000 00
23 For Mount Sugar Loaf state reservation, a sum not exceeding	1,750 00	1,750 00
24 For non-contributory pensions, a sum not exceeding	963 72	870 00
25 For contributory retirement system, a sum not exceeding	1,913 29	4,739 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	1,350 00	1,350 00
27 For unpaid bills of previous years, a sum not exceeding	500 00	500 00
30 For advertising the recreational advantages of the county, a sum not exceeding	2,000 00	2,000 00
31 For a reserve fund, a sum not exceeding	3,000 00	3,000 00
And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$160,676 47	-

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<p>And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.</p>		
<i>Hampden County.</i>		
1 For interest on county debt, a sum not exceeding	\$24,500 00	\$20,500 00
2 For reduction of county debt, a sum not exceeding	121,000 00	121,000 00
3 For salaries of county officers and assistants, a sum not exceeding	48,000 00	48,000 00
4 For clerical assistance in county offices, a sum not exceeding	51,000 00	53,000 00
5 For salaries and expenses of district courts, a sum not exceeding	125,000 00	125,000 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	82,000 00	82,000 00
7 For criminal costs in superior court, a sum not exceeding	28,000 00	28,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	50,000 00	50,000 00
9 For trial justices, a sum not exceeding	2,000 00	2,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,000 00	1,000 00
11 For medical examiners and commitments of insane, a sum not exceeding	13,000 00	13,000 00
12 For auditors, masters and referees, a sum not exceeding	19,000 00	19,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	12,000 00	12,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	59,000 00	60,000 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	151,699 61	146,423 00
17 For examination of dams, a sum not exceeding	3,000 00	3,000 00
18 For law libraries, a sum not exceeding	10,000 00	10,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
19 For training school, a sum not exceeding .	\$28,000 00	\$28,000 00
20 For county aid to agriculture, a sum not exceeding	38,160 00	37,960 00
22 For preventorium, a sum not exceeding	3,000 00	3,000 00
23 For Mount Tom state reservation, a sum not exceeding	12,553 86	13,000 00
24 For non-contributory pensions, a sum not exceeding	9,700 00	9,700 00
25 For contributory retirement system, a sum not exceeding	17,316 00	18,401 00
26 For miscellaneous and contingent expenses including insurance, a sum not exceeding	5,680 36	5,500 00
27 For unpaid bills of previous years, a sum not exceeding	1,000 00	1,000 00
28 For funds in closed banks, a sum not exceeding	3,601 92	-
30 For advertising the recreational advantages of the county, a sum not exceeding	2,000 00	2,000 00
31 For a reserve fund, a sum not exceeding	7,500 00	7,500 00
And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes .	\$802,347 69	-
And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Hampshire County.

1 For interest on county debt, a sum not exceeding	\$250 00	\$750 00
2 For reduction of county debt, a sum not exceeding	-	5,000 00
3 For salaries of county officers and assistants, a sum not exceeding	22,000 00	22,000 00
4 For clerical assistance in county offices, a sum not exceeding	11,500 00	11,500 00
5 For salaries and expenses of district courts (salaries to include only present regular positions), a sum not exceeding	28,250 00	27,300 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	\$29,500 00	\$30,000 00
7 For criminal costs in superior court, a sum not exceeding	12,000 00	12,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	13,500 00	13,500 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	600 00	600 00
11 For medical examiners and commitments of insane, a sum not exceeding	3,200 00	3,200 00
12 For auditors, masters and referees, a sum not exceeding	2,500 00	2,500 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	6,000 00	6,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	15,500 00	15,500 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	88,500 00	72,000 00
17 For examination of dams, a sum not exceeding	500 00	800 00
18 For law libraries, a sum not exceeding	2,000 00	2,000 00
20 For county aid to agriculture, a sum not exceeding	16,500 00	16,500 00
20 For sanatorium, a sum not exceeding	28,000 00	30,000 00
22 For preventorium, a sum not exceeding	2,500 00	2,500 00
23 For state reservations, a sum not exceeding	2,500 00	2,500 00
24 For non-contributory pensions, a sum not exceeding	2,615 00	2,615 00
25 For contributory retirement system, a sum not exceeding	8,500 00	8,600 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	4,500 00	4,500 00
27 For unpaid bills of previous years, a sum not exceeding	454 50	500 00
30 For advertising the recreational advantages of the county, a sum not exceeding	2,000 00	2,000 00
31 For a reserve fund, a sum not exceeding	4,000 00	4,500 00
And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$243,625 44	
And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<p>forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.</p>		
<i>Middlesex County.</i>		
1 For interest on county debt, a sum not exceeding	\$11,500 00	\$16,500 00
2 For reduction on county debt, a sum not exceeding	224,500 00	75,000 00
3 For salaries of county officers and assistants, a sum not exceeding	83,500 00	84,200 00
4 For clerical assistance in county offices, a sum not exceeding	262,300 00	268,500 00
5 For salaries and expenses of district courts, a sum not exceeding	392,000 00	396,000 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	254,500 00	244,600 00
7 For criminal costs in superior courts, a sum not exceeding	185,000 00	190,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	155,000 00	155,000 00
9 For trial justices, a sum not exceeding	1,000 00	1,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,000 00	1,000 00
11 For medical examiners and commitments of insane, a sum not exceeding	35,000 00	35,000 00
12 For auditors, masters and referees, a sum not exceeding	32,000 00	32,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	53,000 00	50,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	130,000 00	130,000 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	384,000 00	375,000 00
18 For law libraries, a sum not exceeding	13,000 00	12,000 00
19 For training school, a sum not exceeding	77,000 00	77,000 00
20 For county aid to agriculture, a sum not exceeding	44,000 00	44,000 00
23 For Walden Pond state reservation, a sum not exceeding	15,000 00	15,000 00
24 For non-contributory pensions, a sum not exceeding	29,000 00	32,000 00
25 For contributory retirement system, a sum not exceeding	83,000 00	73,000 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	8,750 00	8,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
27 For unpaid bills of previous years, a sum not exceeding	\$4,000 00	\$3,000 00
28 For funds in closed banks, a sum not exceeding	29,886 69	—
31 For a reserve fund, a sum not exceeding	12,000 00	15,000 00
And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes .	\$2,049,491 61	—
And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

Norfolk County.

1 For interest on county debt, a sum not exceeding	\$2,500 00	\$6,000 00
2 For reduction of county debt, a sum not exceeding	76,544 12	76,544 12
3 For salaries of county officers and assistants, a sum not exceeding	37,000 00	37,000 00
4 For clerical assistance in county offices, a sum not exceeding	78,500 00	80,000 00
5 For salaries and expenses of district and municipal courts, a sum not exceeding	145,000 00	145,000 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	54,000 00	54,500 00
7 For criminal costs in superior courts, a sum not exceeding	58,000 00	60,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	38,000 00	40,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,000 00	1,000 00
11 For medical examiners and commitments of insane, a sum not exceeding	14,000 00	14,500 00
12 For auditors, masters and referees, a sum not exceeding	12,000 00	12,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
14 For repairing, furnishing and improving county buildings, a sum not exceeding .	\$17,000 00	\$14,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding .	81,900 00	90,200 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding .	58,500 00	58,000 00
18 For law libraries, a sum not exceeding .	2,000 00	2,000 00
19 For training school, a sum not exceeding .	4,000 00	4,500 00
20 For agricultural school, a sum not exceeding .	102,487 50	103,487 50
24 For non-contributory pensions, a sum not exceeding .	6,700 00	6,700 00
25 For contributory retirement system, a sum not exceeding .	17,300 00	19,300 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding .	9,103 90	9,000 00
27 For unpaid bills of previous years, a sum not exceeding .	7,000 00	4,000 00
28 For funds in closed banks, a sum not exceeding .	1,227 02	—
31 For a reserve fund, a sum not exceeding .	10,000 00	10,000 00

And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes .

\$599,637 02

And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.

Plymouth County.

1 For interest on county debt, a sum not exceeding .	\$7,000 00	\$6,650 00
2 For reduction of county debt, a sum not exceeding .	38,000 00	43,000 00
3 For salaries of county officers and assistants, a sum not exceeding .	30,000 00	30,100 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
4 For clerical assistance in county offices, a sum not exceeding	\$29,000 00	\$29,500 00
5 For salaries and expenses of district courts, a sum not exceeding	71,500 00	71,500 00
6 For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding	91,500 00	91,500 00
7 For criminal costs in superior courts, a sum not exceeding	38,000 00	38,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	33,000 00	26,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	1,200 00	1,200 00
11 For medical examiners and commitments of insane, a sum not exceeding	6,500 00	6,500 00
12 For auditors, masters and referees, a sum not exceeding	7,000 00	7,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	11,000 00	9,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	28,000 00	29,000 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	126,800 00	146,800 00
16a For shore protection in the town of Marshfield, a sum not exceeding	10,000 00	-
16b For shore protection in the town of Duxbury, a sum not exceeding	-	7,500 00
17 For examination of dams, a sum not exceeding	750 00	750 00
18 For law libraries, a sum not exceeding	3,500 00	3,500 00
19 For training school, a sum not exceeding	3,000 00	3,000 00
20 For county aid to agriculture, a sum not exceeding	24,000 00	23,000 00
24 For non-contributory pensions, a sum not exceeding	4,354 00	4,743 00
25 For contributory retirement system, a sum not exceeding	12,500 00	13,000 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	4,800 00	4,800 00
27 For unpaid bills of previous years, a sum not exceeding	2,500 00	2,000 00
28 For funds in closed banks, a sum not exceeding	2,150 00	-
31 For a reserve fund, a sum not exceeding	7,500 00	7,500 00
And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$488,103 36	-
And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<p>two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.</p>		
<i>Worcester County.</i>		
1 For interest on county debt, a sum not exceeding	\$1,000 00	\$1,500 00
3 For salaries of county officers and assistants, a sum not exceeding	60,900 00	61,550 00
4 For clerical assistance in county offices, a sum not exceeding	84,000 00	85,000 00
5 For salaries and expenses of district courts, a sum not exceeding	181,090 00	181,930 00
6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding	110,500 00	108,500 00
7 For criminal costs in superior court, a sum not exceeding	70,000 00	70,000 00
8 For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding	75,000 00	75,000 00
9 For trial justices, a sum not exceeding	1,000 00	1,000 00
10 For transportation and expenses of county and acting commissioners, a sum not exceeding	2,000 00	2,000 00
11 For medical examiners and commitments of insane, a sum not exceeding	21,000 00	21,000 00
12 For auditors, masters and referees, a sum not exceeding	23,000 00	23,000 00
14 For repairing, furnishing and improving county buildings, a sum not exceeding	33,500 00	32,000 00
15 For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding	78,000 00	78,500 00
16 For highways, including state highways, bridges and land damages, a sum not exceeding	308,536 25	328,886 00
18 For law libraries, a sum not exceeding	13,500 00	13,700 00
19 For training school, a sum not exceeding	31,000 00	31,000 00
20 For county aid to agriculture, a sum not exceeding	42,000 00	42,700 00
22 For preventorium, a sum not exceeding	3,000 00	3,000 00
23 For Mount Wachusett State reservation, a sum not exceeding	22,000 00	21,000 00
23a For Purgatory Chasm State reservation, a sum not exceeding	6,000 00	6,000 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
24 For non-contributory pensions, a sum not exceeding	\$15,000 00	\$15,000 00
25 For contributory retirement system, a sum not exceeding	39,000 00	39,000 00
26 For miscellaneous and contingent expenses, including insurance, a sum not exceeding	7,000 00	7,000 00
27 For unpaid bills of previous years, a sum not exceeding	10,810 70	5,000 00
28 For funds in closed banks, a sum not exceeding	3,530 45	—
31 For a reserve fund, a sum not exceeding	10,000 00	10,000 00
And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law the following sum to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes	\$960,844 97	—
And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the year nineteen hundred and forty-two, in the manner provided by law, such sum as is certified to said county commissioners on or before April first in said year by the director of accounts. In so certifying said director shall set forth, (1) the amount of the net unappropriated cash balance in the treasury of said county as of January first, nineteen hundred and forty-two, (2) the amount of the estimated receipts of said county for said year, and (3) a sum, which shall constitute the county tax, and which shall be the difference between the sum of the two foregoing items and the total amount of the authorized expenditures hereinbefore appropriated.		

SECTION 2. No person, except as hereinafter provided, shall be reimbursed by any county, out of funds appropriated by this act, for any expense incurred for a mid-day meal while traveling within the commonwealth, nor shall any person be so reimbursed for the amount of any expense incurred for a breakfast while so traveling which is in excess of seventy-five cents or for the amount of any expense incurred for an evening meal while so traveling which is in excess of one dollar; provided, that officers or employees who have charge of juries or who have the care and custody of prisoners, insane persons or other persons placed in their charge by a court or under legal proceedings for transfer to or from court to an institution or from institution to institution and persons certified by a district attorney as engaged in investigation shall be reimbursed for the expense of mid-day meals when necessarily engaged on such duty; and

provided, further, that officers and employees in attendance at meetings and conferences called by or for any group or class on a state-wide basis shall be so reimbursed.

Nothing herein contained shall apply to county employees who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing, nor be construed as preventing the payment of allowances for meals not exceeding one dollar and seventy-five cents in any one day, for officers or employees stationed beyond commuting distance from their homes for a period of more than twenty-four hours.

SECTION 3. The allowance to county employees for expenses incurred by them in the operation of motor vehicles owned by them or by any member of their immediate families and used in the performance of their official duties shall not exceed four and one half cents per mile except in cases where a higher allowance is specifically provided by statute; provided, that in the case of insane commitments the justice of the court ordering the commitment may order a higher rate.

Approved July 25, 1941.

AN ACT RELATIVE TO THE BORROWING OF MONEY BY THE CITY OF FALL RIVER FOR SCHOOL PURPOSES. *Chap. 529*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of making alterations and improvements in the Henry Lord, Jr. High School, the city of Fall River may borrow from time to time, within a period of three years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred and fifty thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Fall River Building Repair Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be within the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, inclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. Loans under authority of this act shall not be subject to the provisions of chapter forty-four of the acts of nineteen hundred and thirty-one.

SECTION 3. This act shall take effect upon its passage.

Approved July 25, 1941.

Chap. 530 AN ACT PROVIDING FOR THE FUNDING OF OVERLAY DEFICITS
BY THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purposes of meeting deficits in the overlay resulting from abatements granted to the Brockton Edison Company and the trustees of the Old Colony Railroad Company for the years nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine and nineteen hundred and forty, may borrow the sum of ninety thousand dollars in the year nineteen hundred and forty-one, and issue bonds or notes of the city therefor, which shall bear on their face the words, Brockton Deficiency Loan, Act of 1941. Such loan shall be paid in not more than five years from its date. Indebtedness incurred under this act shall be inside the statutory limit of indebtedness, and shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. No additional loan shall be made by the city of Brockton under chapter forty-four of the General Laws during the current year without the approval of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three.

SECTION 3. This act shall take effect upon its passage.

Approved July 25, 1941.

Chap. 531 AN ACT PROVIDING FOR THE APPOINTMENT OF A REPRESENTATIVE OF ORGANIZED LABOR TO BE A MEMBER OF THE STATE BOARD FOR VOCATIONAL EDUCATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 15, § 6A, etc., amended.

State board for vocational education.

Chapter fifteen of the General Laws is hereby amended by striking out section six A, as amended by section thirteen of chapter four hundred and forty-six of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: — *Section 6A.* The commissioner and the advisory board of education, and one person to be appointed by the governor, with the advice and consent of the council, which appointee shall be a person who, on account of his vocation, employment, occupation or affiliation, can be classed as a representative of organized labor, are hereby constituted and designated as the state board for vocational education to co-operate with the office of education, Department of the Interior, in the administration of the act of congress, approved June second, nineteen hundred and twenty, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry and otherwise and their return to civil employment", and acts in amendment thereof and in addition thereto, if any, and

to secure for the commonwealth the benefits thereof. For the purpose of carrying out the provisions of section twenty-two A of chapter seventy-four the said state board for vocational education shall be furnished with suitable quarters in the state house and may expend for salaries and other necessary expenses such amount as shall be appropriated therefor by the general court, together with any funds received by the state treasurer from the federal government under the provisions of said act or acts.

Approved July 25, 1941.

AN ACT FURTHER REGULATING THE REIMBURSEMENT OF CITIES AND TOWNS ON ACCOUNT OF CERTAIN EXPENDITURES FOR TRANSPORTATION OF SCHOOL CHILDREN. Chap.532

Be it enacted, etc., as follows:

Section eleven of chapter seventy of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph numbered (3) and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 70, § 11, amended.

(3) Expenditures for transportation of pupils to the local public and private schools. Transportation expenditures.

Approved July 25, 1941.

AN ACT RELATIVE TO THE RIGHTS OF PEDESTRIANS ON CERTAIN RESERVED SPACES IN PUBLIC WAYS. Chap.533

Be it enacted, etc., as follows:

Section thirty-four of chapter eighty-two of the General Laws is hereby amended by striking out the last sentence, added by chapter three hundred and nine of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — A pedestrian who is injured by a street railway car within or upon any of the spaces so reserved for street railways shall have the rights of a traveler on the highway, — so as to read as follows: — *Section 34.* If the city council of a city, or a town, accepts this section or has accepted the corresponding provisions of earlier laws, the board or officers authorized to lay out highways or town ways may reserve spaces between the side lines thereof for the use of horseback riders, for bicycle paths or for street railways, except such as may be operated by steam, for drains, sewers and electric wires, for trees and grass, and for planting. A pedestrian who is injured by a street railway car within or upon any of the spaces so reserved for street railways shall have the rights of a traveler on the highway.

G. L. (Ter. Ed.), 82, § 34, etc., amended.

Reserved spaces in public ways.

Approved July 25, 1941.

Chap.534 AN ACT AUTHORIZING THE TRUSTEES OF THE MASSACHUSETTS STATE COLLEGE TO EXPERIMENT IN THE CULTIVATION OF BEACH PLUMS.

Be it enacted, etc., as follows:

The trustees of the Massachusetts state college may expend such sums, not exceeding five hundred dollars in any year, as may be appropriated therefor, for experimental purposes in the cultivation of beach plums.

Approved July 25, 1941.

Chap.535 AN ACT GRANTING ALL RIGHT AND CLAIM AND CEDING JURISDICTION TO THE UNITED STATES OF AMERICA OVER CERTAIN AREAS OF THE COMMONWEALTH AT SOUTH BOSTON.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide land for the immediate extension of the navy dry dock property in Boston harbor for the purposes of national defense, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of enabling the United States of America to extend the present limits of the navy dry dock property in Boston harbor at South Boston, the commonwealth, subject to the conditions hereinafter imposed, grants and cedes to the United States of America jurisdiction over and all right and claim of the commonwealth to three areas of land at South Boston, described as follows: —

Area "A". Upland and navigable waters. Beginning at the intersection of the southeasterly side line of Harbor street with the northeasterly side line of Summer street, said intersection being the southwesterly corner of property of the United States of America acquired from the commonwealth of Massachusetts by deed dated April twenty-third, nineteen hundred and eighteen, thence north forty-nine degrees one minute fourteen and three tenths seconds west, four hundred and seventy-seven and four tenths feet in said northeasterly side line of Summer street to a point; thence north thirty-five degrees fourteen minutes ten and seven tenths seconds east, fourteen hundred and sixty-eight and nine tenths feet, more or less, to a point in the northeasterly side line of Northern avenue; thence north sixty-one degrees two minutes thirty-one and six tenths seconds west, five hundred and sixteen and nine tenths feet, more or less, in the northeasterly side line of said Northern avenue, to the southeasterly line of the premises leased to the Boston Fish Market Corporation; thence north twenty-eight degrees fifty-seven minutes twenty-eight and four tenths sec-

onds east, fourteen hundred feet, more or less, in the said northeasterly line of the premises leased to the Boston Fish Market Corporation and the extension thereof to a point in the harbor line established by chapter four hundred and three of the acts of nineteen hundred and thirty-nine; thence south sixty-one degrees two minutes thirty-one and six tenths seconds east, nine hundred and ninety-four and eight tenths feet, more or less, in said harbor line to a point; thence south twenty-eight degrees fifty-seven minutes twenty-eight and four tenths seconds west, two hundred feet in the northwesterly end of "Area C", hereinafter described, and still further twelve hundred feet, more or less, in the northwesterly line of property of the United States of America acquired from the commonwealth by deed dated April twenty-eighth, nineteen hundred and twenty, to a point; thence south thirty-five degrees fourteen minutes ten and seven tenths seconds west, ten hundred and ninety feet in the northwesterly line of property of the United States of America acquired by said deed of April twenty-eighth, nineteen hundred and twenty, and further ninety-nine and fifty-nine hundredths feet by the northwesterly end of Dry Dock avenue, as hereinafter described, and still further three hundred and seventy-nine and eight tenths feet in the northwesterly line of property of the United States of America acquired by said deed dated April twenty-third, nineteen hundred and eighteen, to the point of beginning; reserving therefrom to the commonwealth the right to construct a car float bridge, to dredge approach thereto, and to operate a railroad car ferry within a strip two hundred feet wide shown by hatching on the plan hereinafter referred to.

Area "C". All that area of navigable water lying southeast of said area "A" and between the harbor line as established by said chapter four hundred and three of the acts of nineteen hundred and thirty-nine and the area acquired by the United States of America by deed from the commonwealth dated April twenty-eighth, nineteen hundred and twenty, as shown on plan hereinafter referred to.

Dry Dock Avenue. All that part of Dry Dock avenue east of Harbor street bounded on the north and east by property of the United States of America under the jurisdiction of the Navy Department, acquired from the commonwealth by deed dated April twenty-eighth, nineteen hundred and twenty; on the south by property of the United States of America, now used as an army supply base, acquired from the commonwealth by deed dated April twenty-third, nineteen hundred and eighteen, and on the northwest by said "Area A", as shown on plan hereinafter referred to.

The areas hereinbefore described are shown on a plan entitled "U. S. Navy Yard, Boston, Mass. Naval Dry Dock, South Boston. Lands, Boundaries and harbor lines in vicinity of Naval Dry Dock. Approved January 7, 1941. P. W. Drawing No. 981A-295." as revised July 1, 1941.

SECTION 2. The jurisdiction hereby granted and ceded shall not vest with respect to said areas until the United States of America shall have filed in the office of the state secretary, by an agent designated by the secretary of the navy, a copy of the plan hereinbefore referred to, duly authenticated by signature of such agent, and a certified copy of his authority so to act; and such jurisdiction is granted and ceded upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said areas, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said areas, and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been made; provided, that the title to, and the exclusive jurisdiction over, said areas shall revert to and revest in the commonwealth whenever said areas shall cease to be used for naval purposes. This grant is made subject to any and all rights and interests heretofore given in permits and licenses to persons, corporations, to the United States of America, or to any department or agency thereof, and to the provisions of the deed to the United States of America dated April twenty-third, nineteen hundred and eighteen.

SECTION 3. The United States of America is hereby authorized to place filling and erect structures in and over the navigable waters within the ceded areas subject to chapter ninety-one of the General Laws, and to pass and repass in common with others over the extension southeasterly of Northern avenue, a distance of about five hundred and five feet, to the ceded "Area A". *Approved July 28, 1941.*

Chap. 536 AN ACT RELATIVE TO REIMBURSEMENT FOR WELFARE RELIEF FURNISHED TO CERTAIN PERSONS FORMERLY INHABITANTS OF THE TOWNS OF DANA, ENFIELD, GREENWICH AND PRESCOTT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make continuous the reimbursement for welfare relief furnished to certain former inhabitants of the towns of Dana, Enfield, Greenwich and Prescott, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven, as amended, is hereby further amended by adding at the end the following new paragraph: —

Upon the annexation to other towns of the territory within the towns of Dana, Enfield, Greenwich and Prescott as set forth in this act, the commission or the metropolitan district commission shall yearly in the month of November reimburse each of said other towns for all money paid out or expenses incurred under the laws of the commonwealth for the year preceding in the relief or aid of persons whose settlement was gained in whole or in part whether by original acquisition or derivation within the territory annexed to such other town prior to the date of such annexation.

SECTION 2. This act shall take effect as of May fifth, nineteen hundred and thirty-nine.

Approved July 28, 1941.

AN ACT RELATIVE TO PROTECTING THE APPROACHES TO PUBLICLY OWNED AIRPORTS. Chap. 537

Whereas, It is hereby found and declared that an airport hazard exists in the commonwealth, endangers the lives and property of the users of publicly owned airports and of occupants of land in their vicinity and also, if of an obstructive character, in effect reduces the size of the areas available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of such airports and the public investment therein, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter ninety of the General Laws, as appearing in section three of chapter three hundred and ninety-three of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "surface" in the fifth line of the paragraph defining "Airport" the word:—, approach,— so that said paragraph will read as follows:—

G. L. (Ter.
Ed.), 90,
§ 35, etc.,
amended.

"Airport", any area, either land or water, which is used or which is made available for the landing and take-off of aircraft, and which provides facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface, approach, marking, equipment, and management as may from time to time be provided by the commission.

"Airport"
defined.

SECTION 2. Said section thirty-five of said chapter ninety, as so appearing, is hereby further amended by inserting after the paragraph defining "Airport" the following new paragraph:—

G. L. (Ter.
Ed.), 90, § 35,
etc., further
amended.

"Airport hazard", any structure or tree which obstructs the aerial approaches of an airport.

"Airport
hazard"
defined.

SECTION 3. Said section thirty-five of said chapter ninety, as so appearing, is hereby further amended by inserting

G. L. (Ter.
Ed.), 90, § 35,
etc., further
amended.

after the word "surface" in the fifth line of the paragraph defining "Landing field" the word: — , approach, — so that said paragraph will read as follows: —

"Landing field" defined.

"Landing field", any area, either of land or water, which is used or which is made available for the landing and take-off of aircraft, which may or which may not provide facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface, approach, marking, equipment and management as may from time to time be provided by the commission.

G. L. (Ter. Ed.), 90, § 35, etc., further amended.

SECTION 4. Said section thirty-five of said chapter ninety, as so appearing, is hereby further amended by adding at the end the following two new paragraphs: —

"Publicly owned airport" defined.

"Publicly owned airport", any airport owned or operated under section fifty-one, whether or not owned or operated under similar provisions of earlier laws.

"Structure" defined.

"Structure", any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

G. L. (Ter. Ed.), 90, new sections 40A-40I, inserted.

Cities and towns, etc., may regulate approaches to publicly owned airports.

SECTION 5. Said chapter ninety is hereby further amended by inserting after section forty, as so appearing, the following nine new sections: — *Section 40A.* Any city, except Boston, and any town, may by ordinance or by-law adopt, and may administer and enforce, in the manner and upon the conditions hereinafter prescribed, approach regulations relative to approaches to publicly owned airports, applicable to areas within such city or town, in this section and sections forty B to forty I, inclusive, called airport approach regulations. Such regulations may divide any such area into sections and may within each section regulate and restrict the height to which structures and trees may thereafter be erected or allowed to grow. Any such regulations may from time to time be amended or repealed. Such regulations and amendments thereto shall be effective when approved by the commission and the attorney general and recorded as hereinafter provided. Such regulations or any amendments thereto shall as soon as may be after adoption and approval be recorded in the registry of deeds of each county and district in which any portion of the land to which such regulations apply is located, and notice that such regulations or amendments have been adopted shall be sent by registered mail to the owner of every parcel of land to any portion of which such regulations or amendments are applicable. For the purposes of this provision the person to whom the land was assessed in the last preceding annual tax levy shall be deemed to be the owner thereof, and the notice shall be addressed in the same manner as the notice of such tax, unless a different owner or a different address is known to be the correct one. Such notice shall also be given by publishing, in a newspaper of general circulation, if any, in each city and town in which any portion of the land subject to the regulations is located, a map of the area subject to the regulations, with sufficient explanatory mat-

ter to give the public and the owners of land reasonable notice of the adoption of the regulations or amendments, or by posting such map and explanatory matter in one or more public places in each such city and town.

Section 40B. All airport approach regulations adopted under this chapter shall be reasonable, and no such regulation shall require the removal or lowering, or other change or alteration, or prohibit the repair or replacement, of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any such non-conforming structure or tree, except as provided in section forty G.

Regulations to be reasonable.

Section 40C. In a city airport approach regulations may be adopted, amended or repealed only by action of the city council, and in a town only by vote of the town, at a meeting called for the purpose, and in either case only after a public hearing held by the city council of the city or the selectmen of the town, at which hearing all persons who might be affected in their property by the regulations, all inhabitants of the city or town, all persons liable to taxation therein and all inhabitants of adjoining cities and towns shall have an opportunity to be heard. At least fifteen days' notice of the time and place of the hearing shall be published in a newspaper of general circulation, if any, in the city or town. Airport approach regulations may be adopted by a city or town although the airport the approaches to which they are designed to protect is located in another city or town.

Public hearing before adoption, etc., of regulations.

Section 40D. (1) A city or town may by ordinance or by-law prohibit the erection of new structures or the replacement or substantial alteration of existing structures within the area to which airport approach regulations adopted under section forty A apply, without a permit from the administrative agency authorized to administer such regulations; but such a permit shall be issued as of right if the structure as erected or altered is in conformance with such regulations or will not constitute a greater hazard than the structure which is replaced or altered. No such permit shall be granted, except as provided in subsection (2) of this section, which would allow the structure or tree in question to be erected or allowed to grow to a greater height, or to become a greater hazard to air navigation, than when the applicable regulation was adopted.

Prohibition of erection of new structures, etc.

(2) Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, in a manner not conforming to airport approach regulations adopted under section forty A, or to establish the right so to do, may apply to the administrative agency authorized to administer such regulations or, if there is no such agency, to the city council of the city or to the selectmen of the town, for a variance from the regulations applicable to his property. Such variances shall be allowed where a literal application or enforcement of such regulations would result in

Variances from regulations, allowed when.

practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest.

(3) In granting any permit or variance under this section to which the applicant is not entitled as of right, the administrative agency, city council or selectmen, as the case may be, may, if it deems such action advisable to effectuate the purposes of sections forty A to forty I, inclusive, and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the city or town, at its own expense, to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

Section 40E. Any city or town adopting airport approach regulations under section forty A may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction, or may establish an administrative agency for the purpose. The duties of such administrative agency shall include that of hearing and deciding all applications for permits and variances under section forty D.

Section 40F. If any structure is erected in violation of any regulation adopted under section forty A, the administrative agency, city council or selectmen, as the case may be, having jurisdiction may direct the owner of said structure, at his own expense, to lower, remove, reconstruct or equip such structure in such manner as may be necessary to conform to such regulations. Notice of such order shall be sent by registered mail to the owner of the land upon which such structure stands, addressed in the same manner as the notice of his last preceding annual tax, unless a different owner or a different address is known by such agency, city council or selectmen, as the case may be, to be the correct one, and if such owner shall neglect or refuse to comply with such order for thirty days after the sending of the notice thereof, such agency, city council or selectmen, as the case may be, may proceed to cause such structure to be lowered, removed, reconstructed or equipped in accordance with its or their order. Such agency, city council or selectmen, as the case may be, shall certify the expense so incurred with respect to each parcel of land to the assessors of the city and town, and the assessors shall assess such expense upon the owners of said parcels respectively, such expense shall be included in their taxes and constitute a lien upon the land, and all provisions of law relating to the collection and the abatement of taxes and to interest thereon shall be applicable to such expense.

If any tree is allowed to grow in violation of any regulation adopted under section forty A, said administrative agency, city council or selectmen, as the case may be, may request the owner of said tree to cut down said tree or so much thereof as has grown in violation of such regulation; and if said owner neglects or refuses to comply with such request within sixty days after the same was given, such

Obstruction
markers
and lights.

City or town
may delegate
duty of ad-
ministering,
etc.

Removal of
structures
erected in
violation of
regulations.
Procedure,
etc.

agency, city council or selectmen, as the case may be, may enter upon his land, doing as little damage as possible, and cut off so much of said tree as has grown in violation of such regulations. No part of the expense of such removal shall be charged to the owner of the tree.

Section 40G. (1) In any case in which, in the opinion of the city council of a city, or the selectmen of a town, in which the real estate hereinafter referred to is located, or owning the airport in question, the public interest requires the establishment of protection to the approaches of a publicly owned airport by the acquisition of certain real estate or rights in real estate in the vicinity of such airport rather than by airport approach regulations, such city or town may take by eminent domain under chapter seventy-nine or chapter eighty A, or acquire by purchase or otherwise, such air rights, easements or other estate or interest in such real estate as will provide adequate protection. A city or town which has acquired real estate or rights therein as aforesaid may from time to time in like manner take or otherwise acquire additional real estate or rights therein, or may discontinue in whole or in part rights already so acquired.

May acquire real estate by eminent domain in certain instances.

(2) Whenever airport approach regulations have been adopted or amended and the public safety and convenience require the removal or lowering of a structure or tree not conforming to such regulations, as adopted or amended, or require other interference with the continuance of any such non-conforming structure or tree, the city or town owning the airport to which such regulations relate may take by eminent domain under chapter seventy-nine or chapter eighty A, or acquire by purchase or otherwise, the land upon which such structure or tree stands, or such an air right, easement or other estate or interest therein, as may be necessary to effectuate any purpose of sections forty A to forty I, inclusive.

Removal of structures and trees.

(3) If the adoption of airport approach regulations under section forty A in itself constitutes the taking of the property, or of rights in property, of any person, he may recover under said chapter seventy-nine compensation for such taking from the city or town in which the airport to which such regulations relate is situated, by petition filed in the superior court within two years from the time when such regulations were recorded as provided in said section forty A. If the owner of property so taken has applied for a variance under section forty D within one year after such regulations were so recorded and his application is in whole or in part denied, he may file his petition for damages within one year after the mailing to him of a notice of the denial of his application or within two years after the recording of the regulations, whichever period ends later. If the adoption and recording of airport approach regulations under section forty A is held to constitute a taking of property or of rights in property, such taking and the adoption of such regulations shall not be deemed to be invalid because

Compensation for land takings.

the requirements of chapter seventy-nine with respect to the taking of property, notice thereof and the award of damages were not complied with.

Hearings
granted
aggrieved
corporations.

Section 40H. If any corporation subject to regulation by the department of public utilities is aggrieved by the adoption of airport approach regulations under section forty A, or by a direction to lower, remove, reconstruct or equip a structure under section forty F, or by the taking of its property or rights in property under section forty G, or by refusal to grant a variance permit as provided in section forty D, such corporation, within thirty days after such adoption, direction, taking or refusal, may appeal to said department, and if, after notice and a hearing, said department determines that the public safety, necessity and convenience will be best served by the amendment or annulment of such regulation, direction or taking, it may order such regulation, direction or taking to be amended or annulled, or may grant a variance permit as prescribed in section forty D.

Approval of
regulations by
commission.

Section 40I. Airport approach regulations adopted under section forty A, and orders for the taking of property under section forty G, shall be submitted as soon as may be after adoption to the commission for its approval. The commission shall, within thirty days after such submission, approve or disapprove the same; and no such regulation or order shall have force or effect until approved by the commission or until thirty days shall have elapsed without action thereon. Subsequent steps required by law shall be taken after such approval or expiration of thirty days without action.

G. L. (Ter.
Ed.), 90,
§ 42, etc.,
amended.

Court en-
forcement of
regulations.

SECTION 6. Section forty-two of said chapter ninety, as so appearing, is hereby amended by inserting after the word "members" in the third line the words: — or by a city or town, — so as to read as follows: — *Section 42.* The superior court shall have jurisdiction in equity to enforce any lawful rule, regulation or order made by the commission or any of its members or by a city or town under any provision of sections thirty-five to fifty-two, inclusive, and may compel the attendance of and the giving of testimony by witnesses before the commission or any member thereof, in the same manner and to the same extent as before said court.

G. L. (Ter.
Ed.), 90,
§ 44, etc.,
amended.

Penalty.

SECTION 7. Section forty-four of said chapter ninety, as so appearing, is hereby amended by inserting after the word "commission", in the fourth line, the words: — , or airport approach regulations made by a city or town under section forty A, — so as to read as follows: — *Section 44.* Any person failing to comply with any requirement, or violating any provision, of sections thirty-five to fifty-two, inclusive, or the rules and regulations for the enforcement of said sections made by the commission, or airport approach regulations made by a city or town under section forty A, and in full force and effect, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by impris-

onment for not less than one month nor more than six months, or both. Whoever operates an aircraft while under the influence of intoxicating liquor shall be punished by imprisonment for not less than one month nor more than two years.

SECTION 8. Section forty-five of said chapter ninety, as so appearing, is hereby amended by inserting after the word "commission" in the second line the words:—, or of the city council of a city, or of the selectmen of a town, or of the administrative agency in any city or town,—so as to read as follows:— *Section 45.* Any person aggrieved by any rule, regulation, ruling, decision or order of the commission, or of the city council of a city, or of the selectmen of a town, or of the administrative agency in any city or town, may, within ten days of the effective date of such rule, regulation, ruling, decision or order, appeal to the superior court for the purpose of having the reasonableness or lawfulness thereof inquired into and determined.

G. L. (Ter. Ed.), 90, § 45, etc., amended.

Appeal to superior court.

Approved July 28, 1941.

AN ACT AMENDING THE FALL RIVER FINANCE ACT, SO CALLED. *Chap. 538*
Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter forty-four of the acts of nineteen hundred and thirty-one is hereby amended by striking out, in the third line, the words "and three assessors",—so as to read as follows:— *Section 9.* The board shall, from time to time, appoint from the registered voters of said city an auditor, a treasurer and collector of said city, who shall hold their respective offices, and be subject to removal, at the pleasure of the board. It shall, from time to time, fix the compensation of such officers, which shall be appropriated each year and paid by said city upon the requisition of the board. The persons now lawfully holding such offices shall continue to hold the same until their successors are appointed as herein provided and shall have qualified as required by law.

SECTION 2. Said chapter forty-four is hereby further amended by striking out section ten and inserting in place thereof the following:— *Section 10.* Notwithstanding any provision in the statutes to the contrary, no abatement of a tax shall be granted by the assessors of said city in excess of five hundred dollars, except with the approval in writing of the board of finance.

SECTION 3. The assessors of said city in office immediately prior to the effective date of this act shall continue to serve therein until their respective successors shall have been appointed and qualified under the provisions of the charter of said city.

SECTION 4. This act shall take full effect upon its approval by vote of the Fall River Board of Finance and the filing of a certificate of such approval with the state secretary, but not otherwise.

Approved July 28, 1941.

Chap. 539 AN ACT ESTABLISHING FEES TO BE PAID BY EMPLOYERS ENGAGED IN INDUSTRIAL HOMEWORK, IN CASE OF THE RENEWAL OF THEIR PERMITS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 149,
§ 147, etc.,
amended.

Section one hundred and forty-seven of chapter one hundred and forty-nine of the General Laws, as appearing in chapter four hundred and twenty-nine of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out, in the ninth and tenth lines, the words "upon payment of a fee of fifty dollars" and inserting in place thereof the words: — , may be renewed annually by him, — and by adding at the end the following new paragraph: — A fee of fifty dollars shall be paid to the commissioner for the original issuance of an employer's permit. For each annual renewal of such permit, the employer shall pay to the commissioner a fee of (1) fifty dollars, where at no time during the preceding calendar year did the employer directly or indirectly have business relations with more than fifty homeworkers; (2) one hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with more than fifty, but less than one hundred, homeworkers; (3) two hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with more than one hundred, but less than two hundred, homeworkers; (4) three hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with two hundred or more homeworkers. Any such fees received by the commissioner shall be paid into the state treasury to the credit of the general fund, — so as to read as follows: —

Certificates
for homework
required.

Section 147. No materials for manufacture by industrial homework shall be delivered to any person in the commonwealth unless the employer so delivering them, or his agent if the employer is not a resident of this commonwealth, has in his possession a valid permit issued by the commissioner under authority of this section, hereinafter and in sections one hundred and forty-seven A to one hundred and forty-seven H, inclusive, called an employer's permit. Such permit shall be issued by the commissioner, may be renewed annually by him, and, subject to the last sentence of section one hundred and forty-five, shall be valid for a period of one year from the date of its issuance, unless sooner revoked or suspended. Application for such permit shall be made in such form as the commissioner may from time to time by rule or regulation prescribe. No employer shall deliver or cause to be delivered any materials or articles for manufacture by industrial homework to a person who is not in possession of a valid employer's permit, or a homeworker's certificate issued in accordance with this or the following section. The commissioner may revoke or suspend an employer's permit if he finds that the employer has

violated any provision of sections one hundred and forty-four to one hundred and forty-seven H, inclusive, or has failed to observe or comply with any provision of his permit.

A fee of fifty dollars shall be paid to the commissioner for the original issuance of an employer's permit. For each annual renewal of such permit, the employer shall pay to the commissioner a fee of (1) fifty dollars, where at no time during the preceding calendar year did the employer directly or indirectly have business relations with more than fifty homeworkers; (2) one hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with more than fifty, but less than one hundred, homeworkers; (3) two hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with more than one hundred, but less than two hundred, homeworkers; (4) three hundred dollars, where during the preceding calendar year the employer directly or indirectly had business relations with two hundred or more homeworkers. Any such fees received by the commissioner shall be paid into the state treasury to the credit of the general fund.

Fees to be paid.

Approved July 28, 1941.

AN ACT ACCEPTING AN ACT OF CONGRESS GRANTING A RETRO-
CESSION OF JURISDICTION BY THE UNITED STATES OF
AMERICA OVER THE GENERAL CLARENCE R. EDWARDS MEMO-
RIAL BRIDGE, BRIDGING WATERSHOPS POND OF THE SPRING-
FIELD ARMY MILITARY RESERVATION IN THE CITY OF
SPRINGFIELD. *Chap. 540*

Be it enacted, etc., as follows:

The commonwealth hereby accepts the provisions of chapter three hundred and eighty-five of the First Session of the Seventy-Sixth Congress enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, and approved by the President of the United States on July twenty-seventh, nineteen hundred and thirty-nine, reading as follows: —

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the City of Springfield, Massachusetts, covered by a certain grant from the Secretary of War to the City of Springfield, Massachusetts, dated October 15, 1936, authorized by Act of Congress approved July 14, 1932 (47 Stat., 663), as heretofore or hereafter amended by the Secretary of War, and subject to all the terms and conditions contained in said permit as so granted, and any amendments thereof, as aforesaid. The land, premises, and bridge over which such retro-

cession of jurisdiction is hereby granted shall be the whole of the bridge constructed under said permit and any amendments thereof, throughout its entire length and width, and for the entire distance granted therein.

SEC. 2. Whenever the city of Springfield, Massachusetts, shall cease to occupy and use the land, premises, and bridge for highway purposes as authorized in said permit, and any amendments thereof, then all jurisdiction thereover shall revert to the United States.

SEC. 3. The retrocession of jurisdiction granted shall not become effective until the same is accepted by the General Court of the Commonwealth of Massachusetts."

Approved July 28, 1941.

Chap. 541 AN ACT CEDING JURISDICTION TO THE UNITED STATES OF AMERICA OVER A CERTAIN TRACT OF LAND IN QUINCY.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions hereinafter imposed, jurisdiction is hereby granted and ceded to the United States of America over a certain tract of land in Quincy, which tract was acquired by the United States of America pursuant to authority contained in the act of congress approved June twenty-sixth, nineteen hundred and forty (54 Stat., 599), for use as an addition to the Naval Reserve Aviation Base at Squantum and is bounded and described as follows: — Beginning at a point marked by a stone monument at the intersection of the southeast corner of the United States land with the southwest corner of the said Dennison land and the north right of way of Quincy Shore boulevard near the southerly projection of the center line of Billings creek, thence northwesterly along the land of the United States of America to the center line of Billings creek and generally northerly and northwesterly along the center line of Billings creek by the land of the United States of America, a distance of 710 feet, more or less, to a point where said creek turns and runs in an easterly direction; thence generally easterly and northeasterly along the said lands of the United States of America in two curving lines on the center line of the former east arm of Billings creek a distance of 920 feet and 340 feet, more or less, respectively, to a point; thence N. 12° 41' E. a distance of 188.90 feet to a brass pipe; thence N. 54° 12' E. a distance of 106.72 feet to a brass pipe; thence S. 50° 35' E. a distance of 85.80 feet to a brass pipe; thence N. 81° 47' E. a distance of 277.96 feet to a brass pipe; thence N. 17° 08' E. a distance of 108.24 feet to a pipe; thence N. 25° 50' E. a distance of 200.40 feet to a pipe; thence S. 43° 45' E. a distance of 121.95 feet to a stone monument; thence southerly along the west right of way of East Squantum street, a distance of 1,376 feet, more or less, to a point; marking the intersection of the said land with the land now or late of the Shell Oil Com-

pany, Inc.; thence N. 67° 03' 06" W. along the land of the said Shell Oil Company, Inc., a distance of 50.01 feet to a point; thence N. 78° 04' 38" W. along the land of the said Shell Oil Company, Inc., a distance of 33.21 feet to a point; thence S. 51° 21' 52" W. along the land of the said Shell Oil Company, Inc., a distance of 54.10 feet to a point; thence S. 0° 23' 52" W. along the land of the said Shell Oil Company, Inc., a distance of 81.22 feet to a point; thence westerly along the north right of way of Quincy Shore boulevard, a distance of 472.75 feet to the point of beginning, containing 20.3 acres, more or less.

SECTION 2. Jurisdiction over the tract of land described in section one is granted and ceded upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said tract, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said area and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed or had thereon in the same manner as though this cession had not been made; provided, that the exclusive jurisdiction in and over such tract shall revert to and revest in the commonwealth whenever such tract shall cease to be used for the purpose set forth in section one.

SECTION 3. This act shall take full effect upon the depositing in the office of the state secretary, within one year after its effective date, of a suitable plan of the tract of land described in section one, but not otherwise.

Approved July 28, 1941.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE SHORES *Chap. 542*
IN THE TOWN OF DUXBURY.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the department of public works is hereby authorized to carry out work for the protection of the shores in the town of Duxbury from damage by the sea and to expend for this purpose during the year nineteen hundred and forty-two a sum not exceeding thirty thousand dollars, of which one fourth shall be contributed by the town of Duxbury, one fourth by the county of Plymouth, and one half from the appropriation made for river and harbor improvement under section eleven of chapter ninety-one of the General Laws, for the fiscal year nineteen hundred and forty-two, by item 2202-11 of the general appropriation act of the current year. No work hereunder shall be begun until the town of Duxbury has assumed liability, in the manner provided by section twenty-nine of chapter ninety-one of the General Laws, for all damages that may be incurred hereunder. Any of the aforesaid

sum remaining at the end of said year may be expended for said purpose in the year nineteen hundred and forty-three.

SECTION 2. The money to be contributed hereunder by the town of Duxbury and the county of Plymouth shall be paid into the treasury of the commonwealth from time to time as requested by the department, but no work shall be begun until the contributions requested have been so paid.

SECTION 3. This act shall take full effect upon its acceptance during the current year by vote of the county commissioners of Plymouth county and by vote of the town of Duxbury in town meeting and the filing in the office of the department of public works of certified copies of said votes, but not otherwise.

Approved July 28, 1941.

Chap.543 AN ACT PROVIDING FOR THE IMPROVEMENT OF CERTAIN STATE LAND IN SOUTH BOSTON ADJACENT TO CASTLE ISLAND.

Be it enacted, etc., as follows:

The commonwealth, acting through the department of public works, shall improve the state land in South Boston adjacent to Castle Island, and may expend therefor, from item 3132-12 of the general appropriation act of the current year, the sum of three thousand dollars.

Approved July 28, 1941.

Chap.544 AN ACT CREATING THE STATE ADVISORY FOREST COMMITTEE, AND REGIONAL COMMITTEES, FOR THE PURPOSE OF ENCOURAGING THE PROTECTION AND DEVELOPMENT OF THE FOREST RESOURCES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that the public welfare requires the rehabilitation and protection of forest lands for the purpose of conserving water, preventing floods and soil erosion, improving the conditions for wildlife and recreation and providing a continuing and increasing supply of forest products for farm use and for the wood-using industries of the commonwealth. Therefore, it is hereby declared to be the policy of the commonwealth that all lands now or hereafter devoted to forest growth shall be kept in such condition as shall not jeopardize the public interest, and that the policy of the commonwealth shall further be one of co-operation with the land owners and other agencies interested in forestry practices, for the profitable management of all forest lands in the interest of the owner, the public and the users of forest products.

SECTION 2. For the purposes of this act, the director of the division of forestry in the department of conservation, or his agent, the director of extension, or his agent, and the commissioner of agriculture, or his agent, are hereby con-

stituted the state advisory forest committee, of which the director of the division of forestry shall be chairman. Said committee is hereby authorized and directed to divide the commonwealth into not less than four nor more than six forest regions and to select in each region four persons living within the region, representative of the several classes of forest owners, who with the above-named state officials shall constitute a regional committee. Each regional committee shall designate its chairman. The members of regional committees shall receive no compensation for their services, but shall be reimbursed for their actual traveling expenses while in the performance of their duties hereunder.

SECTION 3. Each regional committee shall study the characteristics and needs of the forests in its region, and by hearings and otherwise shall obtain the views of forest owners and public officials. So far as possible all forest owners shall be notified of such hearings and of the desire of the regional committee to learn their views. Thereafter, each regional committee shall report its findings as to the best forest management practices for its region and recommend legislation and other measures necessary to obtain the observances of such practices. The reports of all the regional committees shall thereupon be submitted to the state advisory committee herein constituted for inclusion in its report. The state advisory forest committee shall report to the general court its findings and its recommendations for each region, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the year nineteen hundred and forty-two. Upon the filing of said report, said state advisory forest committee and said regional committees shall cease to exist.

SECTION 4. For the purposes of this act, there may be expended, under the direction of the state advisory committee, such sums, not exceeding, in the aggregate, three thousand dollars, as may hereafter be appropriated therefor.

Approved July 28, 1941.

AN ACT TO VALIDATE AND CONFIRM THE TAKING OF CERTAIN LAND FOR SEWER PURPOSES BY THE SEWER COMMISSIONERS OF THE TOWN OF MARION AND THE LAYING OUT OF SEWER PIPE LINES THEREIN, AND TO DEFINE THE INTEREST TAKEN IN SAID LAND. *Chap 545*

Be it enacted, etc., as follows:

SECTION 1. The taking of certain land by the sewer commissioners of the town of Marion for sewerage purposes and the laying out of sewer pipe lines therein, under an order dated March sixteenth, nineteen hundred and six, a copy of which is recorded with the Plymouth county registry of deeds, Book 1143, Page 190, and in accordance with a plan

made by Coffin and Thorpe, dated March sixth, nineteen hundred and six, and recorded in Plan Book 1, at Page 802, in said registry, from a point near the southwest corner of the Town Hall lot, so called, thence in a westerly direction to and across Spring street about one hundred and seventy feet to a point near the northeast corner of land of Phebe Everest, thence westerly about four hundred and twenty feet to the northwest corner of said Everest's land, thence southwesterly about six hundred and fifty feet to and across Mill street, thence in a westerly direction about eighteen hundred feet to the land of Hiller Brothers, said lay-out being twenty feet wide, and the south line being parallel with the north line, and the acceptance, by said town at a meeting of its inhabitants held on April second, nineteen hundred and six, of such taking of said land and the laying out of the sewer pipe lines therein, are hereby ratified and confirmed, and the interest taken in the said land is hereby defined to be an easement for the installation therein of one or more sewer pipe lines.

SECTION 2. This act shall take effect upon its passage.

Approved July 29, 1941.

Chap. 546 AN ACT AUTHORIZING THE CITY OF QUINCY TO BORROW MONEY FOR THE PURPOSE OF REFUNDING TO THE BOSTON CONSOLIDATED GAS COMPANY CERTAIN OVERPAYMENTS OF TAXES ASSESSED UPON IT BY SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy, for the purposes of meeting abatements of taxes ordered by the supreme judicial court to be made by said city to the Boston Consolidated Gas Company in the year nineteen hundred and forty-one and of meeting other abatements made or to be made of so much of the taxes assessed upon said company by said city for the years nineteen hundred and thirty-six to nineteen hundred and forty-one, inclusive, as may be lawfully abated by the board of assessors of said city, may borrow within a period of two years from the passage of this act a sum or sums, not exceeding, in the aggregate, one hundred and seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, City of Quincy Tax Funding Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Indebtedness incurred under this act shall be inside the statutory limit, and shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 29, 1941.

AN ACT RELATIVE TO THE TIME AND METHOD OF PUBLICATION OF NOTICES INVITING BIDS ON CERTAIN STATE CONTRACTS AND TO TRANSACTIONS BETWEEN THE COMMONWEALTH AND ANY PUBLIC SERVICE CORPORATION.

Chap. 547

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-nine of the General Laws is hereby amended by striking out section eight A, inserted by chapter four hundred and twenty-seven of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 8A.* No officer having charge of any office, department or undertaking which receives a periodic appropriation from the commonwealth shall award any contract for the construction, reconstruction, alteration, repair or development at public expense of any building, road, bridge or other physical property if the amount involved therein is one thousand dollars or over, unless a notice inviting proposals therefor shall have been posted, not less than one week prior to the time specified in such notice for the opening of said proposals, in a conspicuous place on or near the premises of such officer, and shall have remained so posted until the time so specified, and, if the amount involved therein is in excess of five thousand dollars, unless such a notice shall also have been published at least once not less than two weeks prior to the time so specified, and at such other times prior thereto, if any, as the commission on administration and finance shall direct, in such newspaper or newspapers and/or trade periodical or periodicals as said commission, having regard to the locality of the work involved in such contract, shall prescribe; provided, that such publication may be omitted, in cases of special emergencies involving the health and safety of the people and their property, upon the written approval of said commission. Proposals for any contract subject to this section shall be in writing and shall be opened in public at a time and place specified in the posted or published notice, and after being so opened shall be open to public inspection. No contract or preliminary plans and specifications shall be split or divided for the purpose of evading the provisions of this section. The provisions of this section shall not apply to any transaction between the commonwealth and any of its political subdivisions or between the commonwealth and any public service corporation.

G. L. (Ter. Ed.), 29, § 8A, etc., amended.

Competitive bidding on state contracts.

SECTION 2. Section sixty A of chapter ninety-two of the General Laws, inserted by section one of chapter three hundred and fifty-two of the acts of nineteen hundred and thirty-seven, and section two of said chapter three hundred and fifty-two, are hereby repealed. *Approved July 29, 1941.*

G. L. (Ter. Ed.), 92, § 60A, etc., repealed.

Chap.548 AN ACT RELATIVE TO THE SALE AND TRANSFER BY CERTAIN INSURANCE COMPANIES TO THEIR DIRECTORS OR OTHER OFFICERS OF SHARES OF CAPITAL STOCK OWNED BY SUCH COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 64, etc., amended.

Section sixty-four of chapter one hundred and seventy-five of the General Laws, as amended by chapter two hundred and thirteen of the acts of nineteen hundred and thirty-six, is hereby further amended by adding at the end the following new paragraph: —

Certain sales of stock regulated.

Nothing in this section shall be construed to prohibit any such company from selling and transferring to any director or other officer thereof not exceeding ten shares of the capital stock of any other insurance company for the purpose of enabling such director or other officer to qualify as a director in such other company; provided, that all transactions under this paragraph shall be approved in advance by the commissioner.

Approved July 29, 1941.

Chap.549 AN ACT RELATIVE TO THE EFFECT OF APPARENTLY SIMULTANEOUS DEATHS UPON DEVOLUTION AND DISPOSITION OF PROPERTY, INCLUDING PROCEEDS OF INSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), new chapter 190A, inserted.

SECTION 1. The General Laws are hereby amended by inserting after chapter one hundred and ninety the following new chapter: —

CHAPTER 190A.

EFFECT OF APPARENTLY SIMULTANEOUS DEATHS UPON DEVOLUTION AND DISPOSITION OF PROPERTY, INCLUDING PROCEEDS OF INSURANCE.

Disposition of property after simultaneous deaths.

Section 1. Where title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons concerned have died otherwise than simultaneously the property of each person shall be disposed of as if he had survived, except as otherwise provided in this chapter.

Same subject. Testamentary and trust property.

Section 2. Where two or more beneficiaries are designated to take successively or alternatively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive or alternate beneficiaries, and the portion allocable to each beneficiary shall be distributed as if he had survived all the other beneficiaries.

Same subject.

Joint tenants and tenants by the entirety.

Section 3. Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distrib-

uted one half as if one had survived and one half as if the other survived. Where more than two joint tenants have died and there is no sufficient evidence that they died otherwise than simultaneously the property so held shall be divided into as many equal shares as there were joint tenants and the share allocable to each shall be distributed as if he had survived all the others.

Section 4. Where the insured and the beneficiary in a policy or contract of life or endowment insurance or insurance against accident have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy or contract shall be payable as if the insured had survived the beneficiary.

Same subject.
Insurance beneficiaries.

Section 5. This chapter shall not apply to a will, living trust or deed wherein provision has been made for distribution different from the distribution under this chapter, or to a policy or contract of insurance wherein provision has been made for payment of its proceeds different from such payment under this chapter.

Disposition of property by will or trust, etc., not affected.

Section 6. This chapter shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

Construction, etc.

Section 7. If any of the provisions of this chapter or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared severable.

Provisions of chapter severable.

Section 8. This chapter may be cited as the Uniform Simultaneous Death Law.

Citation of chapter.

SECTION 2. This act shall not apply to the distribution of the property of a person who has died before it takes effect, or to the distribution of property passing under an instrument, other than a will, executed before it takes effect.

When act does not apply.

Approved July 29, 1941.

AN ACT PROVIDING FOR THE ACQUISITION BY THE COMMONWEALTH FOR ARMORY PURPOSES OF A CERTAIN PARCEL OF LAND IN THE CITY OF LOWELL.

Chap. 550

Be it enacted, etc., as follows:

Subject to the approval of the governor and council, the armory commission is hereby authorized and directed to acquire, for the purpose of increasing the facilities of the state armory in the city of Lowell, the parcel of land in said city bounded and described as follows: — Northerly by Westford street, ninety-two feet; easterly by land now or formerly of the commonwealth of Massachusetts, one hundred and ninety-two and seventeen one hundredths feet; southerly by land now or formerly of one Butterfield, ninety-two and one tenth feet; and westerly by land now or formerly of one Burnham, one hundred and eighty-eight and thirty-

three one hundredths feet, more or less. For said purposes the armory commission may expend such sum, not exceeding two thousand dollars, as may hereafter be appropriated therefor.

Approved July 29, 1941.

Chap.551 AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO USE FOR THE PURPOSES OF A PUBLIC WAY CERTAIN PARK LANDS IN SAID TOWN.

Be it enacted, etc., as follows:

The town of Wellesley is hereby authorized to use, for the purposes of a public way to relieve traffic conditions in Wellesley Hills square, so called, so much of its park lands lying between Worcester street and Washington street, adjoining the property now known as the Clock Tower, formerly known as Elm park, acquired by purchase on October sixteenth, nineteen hundred and eight, from Georgianna S. Livermore, as the town may by vote determine.

Approved July 29, 1941.

Chap.552 AN ACT AUTHORIZING THE APPOINTMENT OF A RECREATION COMMISSION IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Brookline are hereby authorized and empowered to appoint a recreation commission consisting of five persons, which commission shall have the powers and perform the duties specified in section fourteen of chapter forty-five of the General Laws for an elected recreation commission. The members of said commission first appointed hereunder shall hold office for terms of one, two, three, four and five years, respectively, from the first Monday of May next following their appointment and until the qualification of their respective successors; and thereafter the selectmen shall annually, before the first Monday in May, appoint one member of such commission for a term of five years from said first Monday in May. Vacancies in such commission shall be filled in like manner for the residue of the unexpired term. The members of such commission shall serve without compensation. They may be removed by the selectmen for cause.

SECTION 2. This act shall take full effect upon its acceptance by the town of Brookline by a majority vote of the town meeting members present and voting thereon at a limited town meeting called for the purpose within one year of the passage of this act, but not otherwise.

Approved July 29, 1941.

AN ACT RELATIVE TO THE USE OF THE CINEMATOGRAH AND SIMILAR APPARATUS FOR THE EXHIBITION OF MOTION PICTURES. *Chap. 553*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty-three of the General Laws is hereby amended by striking out section seventy-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 74.* For the inspection of such apparatus or of a booth or enclosure, as provided by section seventy-three, a fee of three dollars for apparatus and five dollars for booth or enclosure shall be paid by the owner or user thereof.

G. L. (Ter. Ed.), 143, § 74, amended.

Fee for inspection.

SECTION 2. Said chapter one hundred and forty-three is hereby further amended by striking out section seventy-five, as so appearing, and inserting in place thereof the following section:— *Section 75.* No person shall operate such apparatus in any public building until he has received a license so to do from an inspector. No such license shall be granted until the applicant has passed an examination proving him to be thoroughly skilled in the working of the mechanical and electrical apparatus or devices used therein or connected therewith, nor unless he is the holder of a permit issued to him under section seventy-six and has been employed, for at least three months immediately prior to the granting of such license, as an assistant under the supervision of a licensed operator in a booth or enclosure in or upon a public building, and no person under twenty-one shall be eligible for such examination. Five dollars shall accompany the application for a license. The license shall be for the term of one year from the date thereof, but may be renewed yearly, without examination, by an inspector upon the payment of a fee of two dollars.

G. L. (Ter. Ed.), 143, § 75, amended.

Examination, qualifications for license, etc.

Fee.

SECTION 3. Said chapter one hundred and forty-three is hereby further amended by striking out section seventy-six, as so appearing, and inserting in place thereof the following section:— *Section 76.* Any person over eighteen desiring to act as an assistant to a holder of a license shall register his name, age and address on a form furnished by the commissioner of public safety; and upon the receipt of two dollars the commissioner may issue a permit allowing such person to assist such a licensed operator in a booth or enclosure, but such person shall not himself operate the apparatus. The permit shall be for the term of one year from the date thereof, but may be renewed yearly by the commissioner upon the receipt of one dollar.

G. L. (Ter. Ed.), 143, § 76, amended.

Assistant's permit.

Fee.

SECTION 4. Sections seventy-seven, seventy-eight and eighty of said chapter one hundred and forty-three are hereby repealed.

G. L. (Ter. Ed.), 143, §§ 77, 78 and 80, repealed.

SECTION 5. Said chapter one hundred and forty-three is hereby further amended by striking out section seventy-nine, as so appearing, and inserting in place thereof the fol-

G. L. (Ter. Ed.), 143, § 79, amended.

Eligibility for
examination.

lowing section:— *Section 79.* Any person over twenty-one who presents to the commissioner of public safety an affidavit, signed and sworn to by him, stating that he has operated a cinematograph or similar apparatus in a booth or enclosure in a theatre or hall devoted to public exhibitions of moving pictures outside of the commonwealth for a period of three months or more, shall be eligible for the examination, as provided in section seventy-five, for a license.

G. L. (Ter.
Ed.), 143,
§ 82, amended.

SECTION 6. Section eighty-two of said chapter one hundred and forty-three, as so appearing, is hereby amended by striking out, in the sixth line, the word "Two" and inserting in place thereof the word:— Three,— so as to read as follows:— *Section 82.* Except in Boston, the commissioner of public safety may grant permits for the special exhibition of pictures by the use of a cinematograph or similar apparatus in a public building which in his opinion is in safe condition for such exhibitions, and he may prescribe such regulations as he may deem necessary for the presentation of the same. Three dollars shall accompany the application for each permit.

Permit for
special ex-
hibition.

Fee.

G. L. (Ter.
Ed.), 143,
§ 85, amended.

SECTION 7. Section eighty-five of said chapter one hundred and forty-three, as so appearing, is hereby amended by striking out, in the third line, the word "two" and inserting in place thereof the word:— three,— so as to read as follows:— *Section 85.* Notwithstanding any provision of sections seventy-two to eighty-four, inclusive, the commissioner of public safety, upon application accompanied by a fee of three dollars, may grant special licenses for operators of motion picture machines in churches, schoolhouses or public institutions which in his opinion are in safe condition for said exhibitions, and he may prescribe regulations for the proper conduct of the same, but no such license shall be valid for use in the city of Boston unless it also bears the written approval of the building commissioner of said city.

Special
licenses for
operators in
churches,
schools, etc.

G. L. (Ter.
Ed.), 143,
§ 86, amended.

SECTION 8. Section eighty-six of said chapter one hundred and forty-three, as so appearing, is hereby amended by striking out, in the sixteenth and in the twenty-fifth lines, the word "two" and inserting in place thereof, in each instance, the word:— three,— and by striking out, in the twenty-eighth line, the words "like fee" and inserting in place thereof the words:— fee of two dollars,— so as to read as follows:— *Section 86.* Notwithstanding any of the provisions of sections seventy-two to eighty-five, inclusive, a cinematograph or similar apparatus adapted to the use of standard width films, if specifically licensed and approved by the commissioner of public safety as evidenced by a tag attached thereto by his authority, may be used as herein-after provided, in connection with a portable projector and without a booth and subject to such further conditions and regulations as the commissioner may prescribe, for educational purposes in schools and other institutions of learning, or for business or demonstration purposes. Said cinematograph or apparatus shall be used only with cellulose acetate

Use of cer-
tain motion
picture appa-
ratus in
schools, etc.

or equally incombustible films marked in the margin at least once in every linear foot as safe and incombustible, and tagged or marked as inspected by an inspector, and only in connection with an incandescent electric lamp of not more than six hundred watts. Such approval and license shall be granted only upon the written application, accompanied by a fee of three dollars, of the superintendent of schools in a city or town in case of intended use in a public school, or of the responsible head of the university, college, technical or private school or county extension service, as the case may be, or if to be used for business or demonstration purposes, upon the written application of a responsible citizen. The commissioner shall also cause to be posted on apparatus so approved and licensed a statement of the terms and conditions governing its use and the penalty hereinafter prescribed for their violation. The said commissioner, or such local authority as the commissioner may designate, may, upon payment of a fee of three dollars, grant a license for the term of one year to operate such a cinematograph or apparatus, under the conditions herein specified, to any suitable person twenty-one years of age or over. Said license may be renewed on payment of a fee of two dollars. Any license or approval granted under this section may be revoked by the commissioner, or the local authority authorized to grant the same. Violation of any provision of this section or of any rule, regulation, term or condition imposed by the commissioner of public safety under its provisions shall be punished by a fine of not more than five hundred dollars or by imprisonment for not less than two nor more than six months, or both.

SECTION 9. The terms of all licenses issued or granted under authority of sections seventy-seven, seventy-eight and eighty of chapter one hundred and forty-three of the General Laws, as appearing immediately prior to the effective date of this act, and in force upon said effective date, shall thereupon terminate.

Effective
date.

Approved July 29, 1941.

AN ACT FURTHER REGULATING THE WORCESTER RETIREMENT SYSTEM.

Chap. 554

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter four hundred and ten of the acts of nineteen hundred and twenty-three is hereby amended by striking out the second paragraph, as amended by section one of chapter three hundred and forty-four of the acts of nineteen hundred and twenty-nine, and inserting in place thereof the following paragraph:—

The annuity savings fund shall be the fund to which shall be paid the deductions from the compensation of members. The treasurer of the city of Worcester shall withhold five per cent of the regular compensation due on each pay day to all employees who are members of this retirement sys-

tem, provided that employees who receive more than forty dollars weekly in compensation shall not be assessed for contribution to this fund on the excess above that amount. Except as provided in section six A, no member shall pay further deductions from his compensation after the total sum of deductions paid by him shall have amounted, with interest credited thereto, to a sum sufficient to purchase under section fifteen (1) (a) an annuity of six hundred and fifty dollars at age sixty, together with such increased annuity created by voluntary contributions on the part of the member as is provided for in section six A. Interest thereafter accruing upon the compulsory accumulated deductions shall be paid to the member on his retiring. If the accumulated deductions of any employee retired hereunder exceed the amount required to provide an annuity equal to one fourth of the average annual rate of compensation of such employee during the last five years prior to his retirement or resignation or dismissal as provided in paragraph (2) of section ten, the excess above that amount shall be paid to such employee in a lump sum with the first monthly payment on the account of his retirement allowance; provided, that this sentence shall not apply to any member who voluntarily made additional contributions under section six A, for the purpose of receiving an increased annuity upon retirement. The amounts withheld by the treasurer of the city of Worcester shall be transferred immediately thereafter to the retirement board and credited to the account of each member so contributing, and shall be paid into and become a part of said annuity savings fund.

SECTION 2. Said chapter four hundred and ten is hereby further amended by inserting after section six the following two new sections: — *Section 6A.* In addition to the regular contributions deducted from the regular compensation of members as provided in section six, subject to the approval of the retirement board any member may in writing authorize the treasurer of the city of Worcester to deduct from so much of his regular compensation as is at a rate in excess of forty dollars weekly, but not in excess of sixty dollars weekly, and to deposit in the annuity savings fund in the form of additional regular contributions, five per cent on such amount. If such member shall so request in writing, the board may permit a reduction, suspension or termination of such additional contributions, but no return of such additional contributions shall be made except in the manner provided for return of regular deductions in section sixteen. The amounts deposited to purchase such additional annuity shall be treated as part of the member's accumulated deductions except that in the event of his retirement they shall not be used to increase the pension payable.

Section 6B. In addition to the regular contributions deducted from the regular compensation of members as provided in section six, subject to the approval of the retirement board any member may re-deposit in the annuity

savings fund, by a single payment, or by an increased rate of contribution over a period not to exceed five years and before attaining age sixty, an amount equal to the total amount which he previously withdrew therefrom under section sixteen, with interest thereon. Such member upon re-depositing his accumulated deductions, with interest as provided in this section, shall upon retiring receive credit for all the service represented by the amount so re-deposited, including the benefit of any prior service. This section shall apply to any member who has been reinstated in the service as an employee during the year nineteen hundred and forty, as well as to members thereafter reinstated.

SECTION 3. Said chapter four hundred and ten is hereby further amended by inserting after section nine the following new section:— *Section 9A*. If a member under age sixty ceases to be an employee, through no fault of his own, after this section becomes effective and after having completed not less than twenty years as such an employee, he may, upon his own application or on application made in his behalf, in lieu of receiving his accumulated deductions, receive a retirement allowance to be computed as prescribed in section ten and an additional pension of such an amount as will make his total annual retirement allowance not less than four hundred and eighty dollars; provided, that he has been a contributing member to the Worcester retirement system for a period of not less than ten years before such application is made.

SECTION 4. Paragraph (2) of section ten of said chapter four hundred and ten, as amended by section two of said chapter three hundred and forty-four, is hereby amended by inserting after the word "hundred" in the sixth line the words:— and fifty, — so as to read as follows:—

(2) The sum of the accumulations applied to provide the pensions under (b) and (c) of this section shall not exceed the amount which at age sixty, and in accordance with paragraph (1) (a) of section fifteen is sufficient to provide a total pension of six hundred and fifty dollars; except, that in no case shall the sum of the pensions hereunder exceed an amount which, when added to the annual rate of annuity payable to the member if he had chosen the annuity provided under paragraph (1) (a) of section fifteen, would provide a total retirement allowance of one half the average annual rate of his compensation during the five years prior to retirement, or, if such member resigns or is dismissed prior to the date of retirement, during the five years prior to such resignation or dismissal. For the purpose of determining the maximum retirement allowance under this section, the rate of compensation received by a member on the date immediately preceding a period of absence without pay shall be used as the rate of pay which he would have received during such absence without pay.

SECTION 5. Section thirteen of said chapter four hundred and ten is hereby amended by adding at the end the follow-

ing: — ; and provided, further, that the application for retirement for accidental disability shall have been made in writing to the retirement board not later than two years after the occurrence of the accident, or that such disability is the natural and proximate result of an accident which occurred more than two years prior to such application, which accident was reported in writing to the board or to his department head by the member or a person acting in his behalf within ninety days after the occurrence of such accident, — so as to read as follows: — *Section 13.* Retirement for accidental disability shall be made by the retirement board upon the application of the head of the department in which the member is employed or, of the member or of a person acting in his behalf, stating that said member is physically or mentally incapacitated for the performance of duty as the result of an accident occurring during the performance and within the scope of his duty and, certifying the time, place and conditions of such service performed by said member resulting in such alleged disability, and that such alleged disability was not the result of contributory negligence on the part of said member and that he ought to be retired; provided, that the medical board after examination shall report that said member is physically or mentally incapacitated for the performance of duty as a natural and proximate result of an accident occurring in the performance and within the scope of his duty, and that such disability is not the result of contributory negligence on the part of said member, and that said member should be retired; and provided, further, that the application for retirement for accidental disability shall have been made in writing to the retirement board not later than two years after the occurrence of the accident, or that such disability is the natural and proximate result of an accident which occurred more than two years prior to such application, which accident was reported in writing to the board or to his department head by the member or a person acting in his behalf within ninety days after the occurrence of such accident.

Approved July 29, 1941.

Chap. 555 AN ACT RELATIVE TO THE REGULATION AND SUPERVISION OF WIRES IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-six of the acts of eighteen hundred and ninety-five is hereby repealed.

SECTION 2. Whoever owns or operates a line of wires over or under streets or buildings in the town of Brookline shall use only strong and proper wires safely attached to strong and sufficient supports and insulated at all points of attachment; shall remove all wires the use of which has been abandoned; shall properly insulate every wire where it enters a building, and, if such wire is other than a wire designed to carry an electric light, heat or power current,

shall attach to it at a proper point in the circuit, near the place of entering the building, and so situated as to avoid danger from fire, an appliance adapted at all times to prevent a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or of causing fire from entering the building by means of such wire beyond the point at which such appliance is attached; and shall properly insulate every wire within a building designed to carry an electric light, heat or power current.

SECTION 3. Such person shall plainly mark each pole, pier, abutment or other fixture supporting wires or cables containing wires over streets or buildings with the name or initials of the owner of such pole, pier, abutment or other fixture. Wherever cross arms or other appliances for the support of wires or cables belonging to different owners are attached to the same pole, pier, abutment or other fixture, every such cross arm or other appliance shall plainly be tagged or marked with the name or initials of the owner thereof. Wherever wires or cables belonging to different owners are attached to the same cross arm or other appliances for the support of wires or cables, every wire or cable shall be tagged or marked with the name or initials of the owner at or near its point of attachment to such cross arm or other appliance. No such tag or mark shall be required for the wires, poles, piers, abutments and other fixtures of a street railway or electric railroad company, except for its feed wires supported by poles carrying wires or cables belonging to another owner, and for its poles supporting wires or cables belonging to another owner, and for poles belonging jointly to the street railway company and another owner.

SECTION 4. Said town shall, by by-law, provide for the appointment by its selectmen of an inspector or inspectors of wires who shall be chosen from or be under the general direction and supervision of such town officer or officers as said selectmen may determine. If more than one inspector of wires be appointed, the duties and responsibilities of such inspectors shall be divided among them as said selectmen may order. Such inspector or inspectors shall supervise every wire over or under streets or buildings in said town and every wire within a building designed to carry an electric light, heat or power current; shall notify the person owning or operating any such wire whenever its attachments, insulation, supports or appliances are improper or unsafe, or whenever the tags or marks thereof are insufficient or illegible; shall, at the expense of said town, remove every wire the use of which has been abandoned and every wire not tagged or marked as hereinbefore required, and shall see that all laws, by-laws, rules and regulations relative to wires are strictly enforced. Said town may recover in contract of the owner of any such wire so removed the expense which it has incurred for the removal thereof.

SECTION 5. The supreme judicial or superior court shall have jurisdiction in equity, upon petition of an inspector

appointed as aforesaid, to enforce sections two to four, inclusive, and to restrain the use or maintenance, or to cause the removal, of any wire, pole or other support erected, maintained or used in violation of any provision of said sections.

SECTION 6. This act shall take full effect upon its acceptance by the town of Brookline by a majority vote of the town meeting members present and voting thereon at a limited town meeting called for the purpose within one year following the passage of this act, but not otherwise.

Approved July 29, 1941.

Chap. 556

AN ACT TO ESTABLISH CONGRESSIONAL DISTRICTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 57, § 1, amended.

Commonwealth divided into fourteen congressional districts.

Chapter fifty-seven of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 1.* For the purpose of electing representatives in the Congress of the United States, until otherwise provided by law, the commonwealth is divided into the following fourteen districts, each of which shall elect one representative:

Number One, — Consisting of the cities and towns in Berkshire county; the towns in Franklin county; Blandford, Chester, Granville, Holyoke, Montgomery, Russell, Southwick, Tolland and Westfield in Hampden county; Belchertown, Chesterfield, Cummington, Goshen, Huntington, Middlefield, Pelham, Plainfield, Southampton, Westhampton, Williamsburg and Worthington in Hampshire county; and Athol, Petersham, Phillipston, Royalston and Templeton in Worcester county.

Number Two, — Consisting of Agawam, Brimfield, Chicopee, East Longmeadow, Hampden, Holland, Longmeadow, Ludlow, Monson, Springfield, Wales, West Springfield and Wilbraham in Hampden county; and Amherst, Easthampton, Granby, Hadley, Hatfield, Northampton and South Hadley in Hampshire county.

Number Three, — Consisting of Ashburnham, Barre, Blackstone, Bolton, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, Fitchburg, Gardner, Hardwick, Harvard, Hubbardston, Lancaster, Leicester, Leominster, Lunenburg, Milford, Millbury, Millville, New Braintree, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, West Brookfield, Westminster and Winchendon in Worcester county; Ware in Hampshire county; Palmer in Hampden county; and Hudson, Marlborough, Maynard, Shirley and Stow in Middlesex county.

Number Four, — Consisting of Auburn, Berlin, Boylston, Grafton, Holden, Northborough, Shrewsbury, Southborough,

Sterling, Westborough, West Boylston and Worcester in Worcester county; and Ashland, Framingham, Hopkinton, Sudbury, Waltham, Wayland and Weston in Middlesex county.

Number Five, — Consisting of Acton, Arlington, Ashby, Ayer, Bedford, Belmont, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Concord, Draeut, Dunstable, Groton, Lexington, Lincoln, Littleton, Lowell, Pepperell, Tewksbury, Townsend, Tyngsborough, Watertown, Westford, Wilmington, Winchester and Woburn in Middlesex county; and Andover in Essex county.

Number Six, — Consisting of Amesbury, Beverly, Boxford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Haverhill, Ipswich, wards numbered two and three in Lynn, Manchester, Marblehead, Merrimac, Methuen, Newbury, Newburyport, Rockport, Rowley, Salem, Salisbury, Swampscott, Topsfield, Wenham and West Newbury in Essex county.

Number Seven, — Consisting of Lawrence, wards numbered one, four, five, six and seven in Lynn, Middleton, Nahant, North Andover and Peabody in Essex county; and Chelsea, Revere and Winthrop in Suffolk county.

Number Eight, — Consisting of Lynnfield and Saugus in Essex county; Everett, Malden, Medford, Melrose, North Reading, Reading, wards numbered four, five, six and seven in Somerville, Stoneham and Wakefield in Middlesex county.

Number Nine, — Consisting of the towns in Barnstable county; Acushnet, Dartmouth, Fairhaven, ward numbered six in Fall River, New Bedford and Westport in Bristol county; the towns in Dukes county; Nantucket in Nantucket county; Cohasset in Norfolk county; and Abington, Bridgewater, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Lakeville, Marion, Marshfield, Mattapoisett, Middleborough, Norwell, Pembroke, Plymouth, Plympton, Rochester, Rockland, Scituate, Wareham, West Bridgewater and Whitman in Plymouth county.

Number Ten, — Consisting of Newton in Middlesex county and Brookline in Norfolk county; and wards numbered four, five, ten, twelve, nineteen, twenty and twenty-one in Boston in Suffolk county.

Number Eleven, — Consisting of wards numbered one, two, three and twenty-two in Boston in Suffolk county; and Cambridge and wards numbered one, two and three in Somerville in Middlesex county.

Number Twelve, — Consisting of wards numbered six, seven, eight, nine, eleven, thirteen, fourteen, fifteen, sixteen and seventeen in Boston in Suffolk county.

Number Thirteen, — Consisting of Avon, Braintree, Canton, Dedham, Holbrook, Milton, Needham, Norwood, Quincy, Randolph, Westwood and Weymouth in Norfolk county; Brockton in Plymouth county; and ward numbered eighteen in Boston in Suffolk county.

Number Fourteen, — Consisting of Attleboro, Berkley, Dighton, Easton, wards numbered one, two, three, four, five, seven, eight and nine in Fall River, Freetown, Mansfield, North Attleborough, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swansea and Taunton in Bristol county; Bellingham, Dover, Foxborough, Franklin, Medfield, Medway, Millis, Norfolk, Plainville, Sharon, Stoughton, Walpole, Wellesley and Wrentham in Norfolk county; Holliston, Natick and Sherborn in Middlesex county; and Hopedale and Mendon in Worcester county.

Approved July 29, 1941.

Chap. 557 AN ACT FURTHER CONTINUING THE SHERMAN REST HOME IN EXISTENCE FOR CERTAIN PURPOSES.

Emergency
preamble.

Whereas, The existence of the Sherman Rest Home, a charitable corporation which was revived and temporarily continued in existence by chapter three hundred and twenty-three of the acts of nineteen hundred and thirty-nine, will shortly terminate, but the circumstances and conditions which made advisable the enactment of said provisions still continue, and it is accordingly desirable that the existence of said corporation be further continued without interruption; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Sherman Rest Home, a charitable corporation which was revived and continued by chapter three hundred and twenty-three of the acts of nineteen hundred and thirty-nine for the sole purposes of selling and conveying title to certain property situated in the city of Chicopee and of distributing the proceeds and all other funds held in its name to those entitled thereto, is hereby continued for a further period of one year in order to complete the carrying out of said purposes.

Approved July 30, 1941.

Chap. 558 AN ACT RELATIVE TO THE FILING IN THE CITY OF CAMBRIDGE BY CANDIDATES FOR ELECTION TO MUNICIPAL OFFICE THEREIN OF CERTAIN STATEMENTS AND PETITIONS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one hundred and ten of chapter forty-three of the General Laws limiting the period within which certain statements and petitions shall be filed with the city clerk of a city, in the city of Cambridge while such city remains under the provisions of Plan E, so called, such statements and petitions shall be so filed at least twenty-one week days prior to any regular municipal election in said city.

SECTION 2. This act shall take effect upon its passage.

Approved July 30, 1941.

AN ACT REPEALING CERTAIN PURPORTED LIMITATIONS ON THE INVESTIGATING POWERS OF THE CIVIL SERVICE COMMISSION AND THE DIRECTOR OF CIVIL SERVICE. Chap.559

Whereas, Certain recent incidents indicate that police and fire departments should not be exempted from the investigating powers of the civil service commission and the director of civil service and that there is danger that a claim of such exemption may be made before the time when this act would take effect under the constitution unless declared to be an emergency law; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Section thirty-five of chapter thirty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby repealed.

G. L. (Ter.
Ed.), 31, § 35,
repealed.

Approved July 30, 1941.

AN ACT AUTHORIZING THE TOWN OF ADAMS TO REDUCE THE NUMBER OF TOWN MEETING MEMBERS REQUIRED FOR A QUORUM FOR DOING BUSINESS IN SAID TOWN. Chap.560

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and thirty-five of the acts of nineteen hundred and thirty-five, as amended by section one of chapter thirty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the seventeenth line as appearing in said chapter two hundred and thirty-five, the words "One hundred" and inserting in place thereof the word: — Eighty-five, — so as to read as follows: — *Section 3.* Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large, ex officiis; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the town clerk, the selectmen, the town treasurer, the town counsel, the chairman of the trustees of the public library, the chairman of the board of cemetery commissioners, the school committee, the board of assessors, the board of health, the tax collector and the members of the finance committee. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. Eighty-five town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned

representative town meeting shall be posted by the town clerk in five or more public places in the town, and he shall notify the members by mail of the adjournment at least twenty-four hours before the time of the adjourned representative town meeting. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such times as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

SECTION 2. This act shall be submitted to the voters of the town of Adams at its annual town meeting in the year nineteen hundred and forty-two in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting:— “Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled ‘An Act authorizing the town of Adams to reduce the number of town meeting members required for a quorum for doing business in said town’, be accepted?” If a majority of the votes cast in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved July 30, 1941.

Chap. 561 AN ACT EXTENDING TO FORMER PATIENTS OF COUNTY AND STATE HOSPITALS AND SANATORIA THE ADVANTAGES OF CORRESPONDENCE COURSES FREE OF CHARGE FOR A CERTAIN PERIOD.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, § 7, etc., amended.

Section seven of chapter sixty-nine of the General Laws, as most recently amended by section six of chapter three hundred and fifty-one of the acts of the current year, and as affected by chapter two hundred and seventy-two of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting before the last sentence the following new sentence:— The department may also furnish correspondence courses, free of charge, to former inmates of any of said county or state hospitals or sanatoria, for a period of

one year immediately following their discharge therefrom; provided, that such courses shall be furnished only for the purpose of completing correspondence courses in which said former inmates had enrolled prior to their discharge, — so as to read as follows:— *Section 7.* The department may co-operate with existing institutions of learning in the establishment and conduct of university extension and correspondence courses; may supervise the administration of all such courses supported in whole or in part by the commonwealth; and also, where deemed advisable, may establish and conduct such courses for the benefit of residents of the commonwealth and, provided that the fees charged exceed the cost of service, may enroll in correspondence courses such non-residents as are approved by the department. The department may offer correspondence courses, free of charge, to inmates of county and state hospitals and sanatoria, county and state correctional institutions, the Tewksbury state hospital and infirmary, and federal hospitals situated within the commonwealth, and to veterans, as such term is defined in section twenty-one of chapter thirty-one, who come within the class referred to as disabled veterans in section twenty-three of said chapter thirty-one, and may permit university extension courses to be taken, free of charge, by such veterans, and also by blind persons who have resided in the commonwealth at least one year immediately prior to the taking of such courses. The department may also furnish correspondence courses, free of charge, to former inmates of any of said county or state hospitals or sanatoria, for a period of one year immediately following their discharge therefrom; provided, that such courses shall be furnished only for the purpose of completing correspondence courses in which said former inmates had enrolled prior to their discharge. It may, in accordance with rules and regulations established by it, grant to students satisfactorily completing such courses suitable certificates.

University
extension and
correspondence
courses.

Approved July 30, 1941.

AN ACT REGULATING THE TIME FOR FILING CERTAIN STATEMENTS BY CANDIDATES TO BE VOTED FOR AT THE PRELIMINARY ELECTION TO BE HELD IN THE CITY OF FALL RIVER IN THE YEAR NINETEEN HUNDRED AND FORTY-TWO.

Chap. 562

Be it enacted, etc., as follows:

Statements in writing of candidates for elective office in the city of Fall River may be filed ten days prior to the preliminary election to be held in said city in the year nineteen hundred and forty-two, notwithstanding any provision of section forty-four C of chapter forty-three of the General Laws to the contrary.

Approved July 30, 1941.

Chap. 563 AN ACT PROVIDING THAT NO PERSON SHALL BE A CANDIDATE FOR MORE THAN ONE PARTY NOMINATION FOR COUNCILLOR OR REPRESENTATIVE IN CONGRESS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, § 48, etc., amended.

Section forty-eight of chapter fifty-three of the General Laws, as most recently amended by section three of chapter three hundred and seventy-three of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "commonwealth", in the third line of the paragraph added by chapter two hundred and seventy-two of the acts of nineteen hundred and thirty-eight, the words: — , or for councillor or representative in congress, — so that said paragraph will read as follows: —

Nomination papers of candidates for state wide offices, etc.

There shall not be printed on the ballot at a state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, or for councillor or representative in congress, unless a certificate from the registrars of voters of the city or town where such person resides that he is enrolled as a member of the political party whose nomination he seeks is filed with the state secretary on or before the last day herein provided for filing nomination papers. Said registrars shall issue such a certificate forthwith upon request of any such candidate so enrolled or of his authorized representative.

Approved July 30, 1941.

Chap. 564 AN ACT PROVIDING FOR THE ALLOTMENT OF CERTAIN APPROPRIATIONS BY THE GOVERNOR.

Emergency preamble.

Whereas, The deferred operation of this act would unduly interfere with the installing of the allotment system of appropriations, so called, as provided in this act, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 29, new section 9B, inserted.

Fiscal year divided into allotment periods.

SECTION 1. Chapter twenty-nine of the General Laws is hereby amended by inserting after section nine A the following new section: — *Section 9B.* Sums made available on and after December first, nineteen hundred and forty-one, by appropriation or otherwise, to executive and administrative offices, departments and undertakings, including offices under the governor and council, but not including the office of the governor or the office of the lieutenant governor, shall be expended only in such amounts as may be allotted as provided in this section. The governor shall from time to time divide each fiscal year into allotment periods of not less than one month nor more than four months. He shall, after requesting a written recommendation from the commission on administration and finance, allot to each such office, department and undertaking the amount which it may ex-

pend for each such period out of the sums made available to it by appropriation or otherwise. The officer in charge of each such office, department or undertaking shall submit in advance to the budget commissioner, in such form and at such times as he shall prescribe, a detailed estimate of anticipated expenditures for each such allotment period.

SECTION 2. This act shall take effect on September first, nineteen hundred and forty-one. Effective date.

Approved July 30, 1941.

AN ACT PROVIDING FOR THE CONSTRUCTION OF A CHANNEL FROM VINEYARD SOUND TO TASHMOO POND IN THE TOWN OF TISBURY, AND REPEALING CERTAIN PROVISIONS OF LAW AUTHORIZING SAID TOWN TO CONSTRUCT A BRIDGE OVER SAID CHANNEL. Chap. 565

Whereas, The deferred operation of this act would tend to defeat its purpose, inasmuch as the improvements provided thereby should be made without delay; therefore, it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the department of public works is hereby authorized and directed to construct a channel, thirty feet wide, from Vineyard sound to Tashmoo pond in the town of Tisbury. Said department shall also construct such jetties on each side of the entrance of said channel as may be necessary for the protection of said channel at said Vineyard sound. No work shall be begun hereunder until said town has paid into the treasury of the commonwealth the sum of seven thousand dollars, which, together with such sum, not exceeding sixty-eight hundred dollars, to be paid by the commonwealth, shall constitute a fund for the work herein authorized. Any payment hereunder by the commonwealth shall be paid from item 2202-11 of the general appropriation act of the current year.

SECTION 2. Chapter one hundred of the acts of nineteen hundred and thirty-nine is hereby repealed.

Approved July 30, 1941.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO SUPPLY WATER TO THE TOWN OF SAUGUS. Chap. 566

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, on the application of the town of Saugus, acting through its board of selectmen, may, for a period of not more than ten years from the effective date of this act, sell and deliver water to said town at one or more points in that part of said town near the city of Revere which cannot be conveniently furnished with water by the water system of said town, for its

use for the purpose of extinguishing fires and for domestic and other purposes.

SECTION 2. The sale and delivery of water hereunder shall not constitute said town a member of the metropolitan water district and said town shall be exempt from the payment of the sum required by section ten of chapter ninety-two of the General Laws for admission of towns into said district. The charge for the water sold and delivered hereunder and the terms and conditions thereof, shall be such as are agreed upon annually by the said commission and selectmen, provided, that the exemption above referred to shall be taken into account in determining such charge.

SECTION 3. This act shall take effect upon its passage.

Approved July 30, 1941.

Chap. 567 AN ACT RELATIVE TO PURCHASE OF BONDS OF THE BOSTON ELEVATED RAILWAY COMPANY BY THE BOSTON METROPOLITAN DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Boston metropolitan district, hereinafter called the district, in the name and on behalf of the district, may from time to time, prior to October first, nineteen hundred and forty-seven, if they deem it in the interest of the district so to do, at the request of the board of trustees of the Boston Elevated Railway Company, purchase bonds of the Boston Elevated Railway Company, hereinafter called the company, hereafter issued or reissued under the authority of section eighteen of chapter three hundred and thirty-three of the acts of nineteen hundred and thirty-one for the purposes of paying or refunding any bonds, coupon notes or other evidences of indebtedness issued or assumed by the company payable at periods of more than one year from the date thereof, to an amount not exceeding sixteen million four hundred fifty-six thousand dollars, in addition to such purchases heretofore authorized. The trustees of the district shall procure the funds necessary for each purchase authorized by this section by the issue of bonds of the district under and in the manner provided in section ten of chapter three hundred and eighty-three of the acts of nineteen hundred and twenty-nine and section two of chapter one hundred and forty-seven of the acts of nineteen hundred and thirty-two, and the provisions of said sections shall apply thereto in the same manner and to the same extent as if such bonds of the district were specifically authorized in said chapter three hundred and eighty-three; provided, that any bonds of the district issued under authority of this act shall be for such terms not less than fifteen years, except as hereinafter provided, and not exceeding twenty-five years from the date thereof, and shall bear interest payable semi-annually at such rates, as said trustees of the district, subject to the approval of the department of public utilities, shall from time to time determine. Said

bonds of the district may be issued on either the sinking fund or serial payment plan, and, if issued on the serial payment plan, such portions of each issue of said bonds as the trustees of the district, subject to like approval, may determine may be for terms of less than fifteen years, and the trustees of the district shall endeavor so to arrange the maturities of all bonds issued on the serial payment plan that the bonds maturing each year other than the final year will be met by the amounts available from interest upon the bonds purchased. All amounts received by the district from said interest shall be applied in payment of interest and principal of the bonds of the district issued hereunder as and when due, and any balance shall be accumulated in a sinking fund to be used for such purpose, as and when required. All amounts received by the district in payment of each such bond issue of the company shall be applied in payment of bonds of the district issued hereunder to provide funds for the purchase of such bond issue and the balance shall be accumulated in a general sinking fund for any bonds of the district then outstanding. Said sinking funds shall be invested as provided in section eleven of said chapter three hundred and eighty-three.

SECTION 2. Each bond issue of the company so purchased shall be for the same term as the term of the last maturing bonds of the district issued to provide funds for the purchase of such bond issue of the company, and shall bear interest payable semi-annually at a rate two per cent higher than the rate payable upon said bonds of the district. In the event that said bonds of the district are sold at a premium above or a discount below par, the bond issue of the company purchased with the proceeds thereof shall be purchased by the district at the same premium above or discount below par. Said bonds of the company, both as to income and principal, are hereby made exempt from all taxes levied under authority of the commonwealth while held by the district and shall contain a recital to such effect. Said bonds of the company shall not be disposed of by the district without authority of the general court. The proceeds of said bonds of the company shall be used by it only for the purposes hereinbefore set forth.

SECTION 3. The company shall reimburse the district, at the request of the trustees thereof, for all expenses incidental to the authorization, preparation, issue, registration and payment of interest and principal of the aforesaid bonds of the district.

Approved July 30, 1941.

AN ACT ESTABLISHING THE CHARLTON WATER DISTRICT IN *Chap. 568*
THE TOWN OF CHARLTON.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Charlton, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to

wit:— beginning at a point on the northerly side line of Route 20 located five hundred feet west of its intersection with the westerly side line of Sullivan road, thence northerly about fifty-four hundred feet to the intersection of the northerly line of Brookfield road and the westerly line of Osgood road, thence southeasterly approximately ten thousand seven hundred feet to a point on the westerly side line of Stevens road a distance of five hundred feet north of its intersection with the north line of Route 20, thence southeasterly approximately fifty-four hundred feet to a point on the northerly side line of Muggett Hill road a distance of three thousand feet east of the intersection of the east line of Freeman road, projected, thence southerly a distance of approximately sixteen hundred feet to a point, thence westerly a distance of approximately forty-two hundred feet to a point on the westerly side line of Dudley road at its intersection with the northerly line of Flint road, thence northwesterly a distance of approximately eleven thousand one hundred feet to the point of beginning, — shall constitute a water district and are hereby made a body corporate by the name of the Charlton Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with the metropolitan district commission for a supply of water from the metropolitan water system in the same manner as is provided by section ten of chapter ninety-two of the General Laws for such a supply of water for towns which have not been admitted into the metropolitan water district. If, however, the metropolitan district commission and the department of public health notify said board of water commissioners in writing that it is not feasible for the district to procure a supply of water from the metropolitan water system, the district, acting as aforesaid may contract with the city of Worcester, acting through its water department, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond,

spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Charlton not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. The district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Charlton. The district shall not enter upon, or construct or lay any conduit, pipe or other works within, the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The district may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done

under authority thereof may recover such damages from the district under said chapter seventy-nine or said chapter eighty A; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Charlton Water District Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Charlton annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified

list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace; directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 9. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to the district by this act, except sections four and five, and not otherwise

specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 10. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, stand-pipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be

punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 13. Upon a petition in writing addressed to said board of water commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved July 30, 1941.

AN ACT RELATIVE TO THE APPOINTMENT, QUALIFICATIONS
AND TERMS OF OFFICE OF THE MEMBERS OF THE BOARD
OF HEALTH IN THE CITY OF FALL RIVER. *Chap. 569*

Be it enacted, etc., as follows:

SECTION 1. The board of health in the city of Fall River shall consist of seven members, of whom four shall be physicians and one shall be a member of the board of public welfare. Said members shall be appointed, and may be removed, by the mayor of said city. In the initial appointments of said members, which shall be made not later than ninety days after the effective date of this act, four, of whom two shall be physicians, shall be appointed to serve until the expiration of two years from April first, nineteen hundred and forty-two, and three, of whom two shall be physicians, shall be appointed to serve until the expiration of one year from said April first. Thereafter, upon the expiration of the term of office of a member, his successor shall be appointed in the manner aforesaid for two years. Any vacancy in said board shall be filled for the unexpired term in the manner provided for an original appointment, except that when a vacancy shall have existed for a period of ninety days the city council shall have full authority to fill the same. Upon the qualification of a majority of the members of said board of health initially appointed under this act, the terms of office of all the members of the board of health in the city of Fall River in office immediately prior to such qualification shall cease.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the city council of said city, but not otherwise. *Approved July 30, 1941.*

Chap. 570 AN ACT ESTABLISHING THE AUBURN WATER DISTRICT IN THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Auburn, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit: —

Beginning at the city of Worcester and the town of Auburn boundary line at its intersection with the center line of Sumner street extended, thence westerly by the said boundary line thirty-three hundred feet more or less to the eastern boundary line of the Boston and Albany Railroad right of way thence southwesterly following the easterly boundary of the Boston and Albany right of way thirteen thousand feet more or less, to the intersection of the Webster Branch of the Boston and Albany Railroad, thence southerly following the easterly boundary of the Boston and Albany Webster Branch right of way fifty-three hundred feet, more or less, to an intersection of the Worcester Street Railway right of way, thence southwesterly thirty-five hundred feet, more or less, along the west boundary of the said right of way to a point on the Oxford and Auburn boundary line, thence southeasterly, easterly and northerly by the boundary lines between Auburn and the towns of Millbury and Oxford to the intersection of the Auburn, Millbury and Worcester boundary lines, thence westerly by a direct line seventy-nine hundred feet, more or less, to a point at the intersection of Pakachoag street and Bancroft street, thence northwesterly two thousand feet, more or less, to a stone bound on Dark brook being a southerly bound of the property of the Worcester Rendering Company, thence northerly following the course of said brook and the westerly high water line of Trowbridgeville pond in an irregular course four thousand feet, more or less, to a bound of the Woodland Water District, thence south twenty-one degrees three minutes west four hundred eighty-nine and nine tenths feet more or less along the westerly boundary of land now or formerly of Charles H. Bancroft heirs, thence south seventy-six degrees eighteen minutes west four hundred fifty-seven and seventy-eight one hundredths feet more or less, thence north two degrees forty-five minutes west five hundred seventy-seven and thirty-two one hundredths feet more or less, thence south sixty-nine degrees fourteen minutes west fourteen hundred thirteen and seventy-four one hundredths feet more or less, thence north forty degrees twenty-one minutes west three hundred ten and five tenths feet more or less, thence north twenty-two degrees nine minutes east one hundred fifty and thirty-seven one hundredths feet more or less, thence north sixty-seven degrees fifty-one minutes west one

hundred forty-three and thirty-seven one hundredths feet more or less to a boundary stone on the easterly side of Boyce street, thence northerly on the east bound of Boyce street fifty-nine and seventy-seven one hundredths feet more or less to a stone bound, thence north one degree west nineteen hundred eighty feet more or less to a bound on the southerly side of Alden street, thence westerly along the southerly side of Alden street to the intersection of the center of Sumner street, thence to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Auburn Water District of Auburn, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with the metropolitan district commission for a supply of water from the metropolitan water system in the same manner as is provided by section ten of chapter ninety-two of the General Laws for such a supply of water for towns which have not been admitted into the metropolitan water district. If, however, the metropolitan district commission and the department of public health notify said board of water commissioners in writing that it is not feasible for the district to procure a supply of water from the metropolitan water system, the district, acting as aforesaid, may contract with the city of Worcester, acting through its water department, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase or otherwise, and hold, all lands, rights of way and other easements within the district necessary for storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department of public health. The district may acquire by

lease or purchase, upon such terms as may be mutually agreed upon by vote of the district and the Auburn Water Company, all the properties of said company within the district appurtenant to the business of water supply, existing on the effective date of this act, if not previously acquired by the town of Auburn under section eight of chapter two hundred and forty-one of the Special Acts of nineteen hundred and nineteen. In case of failure to agree upon the terms of any lease, purchase or contract made under authority of this section, such terms shall, upon application of either party, be determined by the department of public utilities, whose decision shall be final. The district may construct and maintain on the lands acquired and held under this act proper dams, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways, and public or other ways, and along such ways, in the district, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Auburn. The district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The district may enter upon any lands within the district for the purpose of making surveys, pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands within the district necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine or said chapter eighty A; but the right to damages for the taking of any water or water right, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Auburn Water District Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loan shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Auburn annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Nothing in this act shall authorize the district to install an independent source of water supply, nor to lay pipes in any way now served by the Auburn Water Company without first having acquired by lease or purchase all the properties of the Auburn Water Company within the district appurtenant to the business of water supply, existing on the effective date of this act, if not previously acquired by the town of Auburn as aforesaid, upon such terms as may be mutually agreed upon by vote of the district and the company. In case of failure so to agree, the department of public utilities upon application of either party shall determine such terms and such determination shall be final.

Nothing in this act shall authorize the district to acquire works of other districts which may lie within the territory described in section one of this act.

SECTION 7. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section ten.

SECTION 8. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water com-

missioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner, but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 9. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 10. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following

such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 11. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 12. The district may adopt by-laws prescribing by whom and how meetings of the district may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section nine. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 13. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, stand-pipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damage assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both.

SECTION 14. Upon a petition in writing addressed to said board of water commissioners requesting that certain real estate accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be a part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 15. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section nine, within four years after its passage.

Approved July 30, 1941.

Chap.571 AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE BY THE COMMONWEALTH OF CERTAIN PROPERTY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. To provide for the purchase of the Ford Building property, so called, situated in the city of Boston, as provided in chapter four hundred and seventy-eight of the acts of the current year, there is hereby appropriated from the general fund or ordinary revenue of the commonwealth the sum of one hundred and fifty-five thousand dollars, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 31, 1941.

AN ACT PROVIDING FOR THE SCREENING BY THE DEPARTMENT OF CONSERVATION OF THE OUTLET AND SPILLWAY OF THE EAST OTIS RESERVOIR. *Chap.572*

Whereas, It is desirable that the work authorized by this act be performed at once in order to take advantage of the present low water, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The department of conservation is hereby authorized and directed to screen the outlet and spillway of the East Otis reservoir in the town of Otis; provided, that the written consent of the owners thereof shall have first been obtained. For said purpose said department may expend such sums, not exceeding, in the aggregate, thirty-five hundred dollars, as may be appropriated therefor.

Approved July 31, 1941.

AN ACT RELATIVE TO BILLS FOR TAXES ON PARCELS OF REAL ESTATE AND PAYMENTS ON ACCOUNT THEREOF. *Chap.573*

Whereas, It is desirable that, prior to the collection of the taxes of the current year, the proper construction of certain existing statutory provisions relating to the assessment and collection of real estate taxes be declared so that litigation may be avoided, therefore this act is declared to be an emergency law, necessary for the preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty of the General Laws is hereby amended by inserting after section twenty-two, as amended, the following new section:— *Section 22A*. The collector may, and shall at the request at any time of a person owning or having an interest in a parcel of land, issue a separate tax bill or notice for the tax for any year upon any parcel of land separately assessed or separately listed on the assessors' valuation list, which bill or notice shall contain a description of said parcel or reference to the assessors' valuation list sufficient to identify such parcel. With respect to the tax for any year on any parcel of land so separately assessed or separately listed, the owner of said parcel or person assessed or a person having any interest in said parcel may at any time prior to a tax taking or a tax sale of such parcel make full payment of the tax upon such parcel or may make from time to time partial payments on account of the tax upon such parcel of not less than ten per cent of such tax, but in no event less in amount than ten dollars, and otherwise subject to the terms, conditions and provisions governing partial payments of a tax contained in section twenty-two. The collector shall give a receipt in full for any such full payment

G. L. (Ter. Ed.), 60, new § 22A, added.
Collector to issue separate tax bills, etc., when.

and a partial receipt for any such partial payment. Any such payment in full shall discharge the tax lien upon such parcel for the taxes of the year in which such tax was assessed, and any such partial payment shall reduce the tax lien upon such parcel for the taxes of such year to the extent of the portion of the tax upon such parcel so paid. No lien shall be deemed to exist upon any parcel of land for or because of the tax or portion of tax assessed on or with respect to any other parcel. Such information as to the assessors' valuation list as may be required for the purposes of this section shall be furnished by the assessors to the collector upon demand.

Application
of act.

SECTION 2. This act shall apply with respect to all taxes heretofore or hereafter assessed and to the fullest possible extent shall be construed as declaratory of existing law.

Approved July 31, 1941.

Chap. 574 AN ACT RELATIVE TO THE HOURS OF LABOR OF WOMEN AND CHILDREN IN OR IN CONNECTION WITH MERCANTILE ESTABLISHMENTS AND CERTAIN HOTELS, PRIVATE CLUBS AND AMUSEMENT PLACES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat one of the principal purposes thereof, which is to make immediately inapplicable to certain hotels, private clubs and amusement places employment at which is seasonal, certain provisions of law relative to the employment of women and children now applicable thereto, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 149, § 56,
etc., amended.

Section fifty-six of chapter one hundred and forty-nine of the General Laws, as most recently amended by chapter three hundred and seventy-seven of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "companies" in the twelfth line the words: — , and except as to hotels, private clubs and places of amusement where the employment is determined by the department to be by seasons, and except as to hotels where meals are served only during three separate periods totalling not more than seven hours in any one day and the employment is connected with the serving of said meals, — and by inserting after the word "hours" the first time it appears in the seventeenth line the words: — , except that in the case of mercantile establishments such periods of work may fall within a period of not exceeding eleven and one half consecutive hours during a total of not more than seven days in any calendar year of which six shall be the six week-days immediately preceding Christmas, and the seventh the Saturday immediately preceding Easter, — so that the first sentence will read as follows: — No child and no woman shall be employed or permitted to work in, or in connection with,

Hours of labor
for women
and children.

any factory or workshop, or any manufacturing, mercantile or mechanical establishment, telegraph office or telephone exchange, or any express or transportation company, or any private club, or any office, letter shop or financial institution, or any laundry, hotel, manicuring or hair dressing establishment, or any motion picture or other theatre or any other place of amusement, or any garage, or be employed as an elevator operator, or as a switchboard operator in a private exchange, more than nine hours in any one day, and, except as to transportation or telephone companies, and except as to hotels, private clubs and places of amusement where the employment is determined by the department to be by seasons, and except as to hotels where meals are served only during three separate periods totalling not more than seven hours in any one day and the employment is connected with the serving of said meals, if the work so performed by such a child or woman in one day is not continuous, but is divided into two or more periods, the work of such child or woman shall be so arranged that all such periods of work shall fall within a period of not exceeding ten consecutive hours, except that in the case of mercantile establishments such periods of work may fall within a period of not exceeding eleven and one half consecutive hours during a total of not more than seven days in any calendar year of which six shall be the six week-days immediately preceding Christmas, and the seventh the Saturday immediately preceding Easter; and in no case shall the hours of labor exceed forty-eight in a week, except that in manufacturing establishments or hotels where the employment is determined by the department to be by seasons, the number of such hours in any week may exceed forty-eight, but not fifty-two, provided that the total number of such hours in any year shall not exceed an average of forty-eight hours a week for the whole year, excluding Sundays and holidays; and if any child or woman shall be employed or permitted to work in more than one such place, the total number of hours of such employment shall not exceed forty-eight hours in any one week.

Approved July 31, 1941.

AN ACT TO ENABLE CREDIT UNIONS TO CO-OPERATE IN THE
DISTRIBUTION OF UNITED STATES DEFENSE SAVINGS BONDS
AND DEFENSE POSTAL SAVINGS STAMPS. Chap. 575

Whereas, It is desired that credit unions extend prompt assistance to the federal government in the distribution of United States savings bonds and stamps in connection with the financing of the national defense program; and

Emergency
preamble.

Whereas, The purpose of this act is to make possible immediately such assistance in connection with such financing, and the deferred operation of this act would tend to defeat such purpose; therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Section one of chapter two hundred and twenty-one of the acts of nineteen hundred and forty-one is hereby amended by striking out, in the seventh line, the word "and" and by inserting before the word "are" in the ninth line the words: — and credit unions having assets of fifty thousand dollars or more, — so as to read as follows: — *Section 1.* Under regulations made by the commissioner of banks and in accordance with requirements and regulations of the secretary of the treasury of the United States or other duly constituted federal authority, savings banks and institutions for savings, co-operative banks, associations referred to in section thirty-four of chapter ninety-three of the General Laws, corporations authorized to do the business of a banking company under chapter one hundred and seventy-two A of the General Laws, and credit unions having assets of fifty thousand dollars or more, are hereby authorized and empowered to qualify and to be employed to act as fiscal or financial agents of the United States government for and in the sale and issue of bonds known as United States Defense Savings Bonds and other similar bonds, to accept for transmittal to the federal reserve bank applications for the purchase of such bonds, to purchase and sell stamps known as Defense Postal Savings Stamps and other similar savings stamps, to receive and hold for their depositors and customers such bonds and stamps, and in general to do any and all things incidental or necessary in connection with the powers granted to such institutions and corporations by this act and to give effect to the provisions thereof.

Approved July 31, 1941.

Chap.576 AN ACT EXTENDING FURTHER THE DURATION OF A LAW PROVIDING FOR THE TRIAL OR DISPOSITION OF CERTAIN CRIMINAL CASES BY DISTRICT COURT JUDGES SITTING IN THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Chapter four hundred and sixty-nine of the acts of nineteen hundred and twenty-three, as most recently amended by chapter three hundred and ninety-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out section five and inserting in place thereof the following section: — *Section 5.* This act shall not be operative after December thirty-first, nineteen hundred and forty-three.

Approved July 31, 1941.

Chap.577 AN ACT TO INCREASE THE SALARY OF THE STATE QUARTERMASTER OF THE LAND FORCES OF THIS COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 33, § 69, etc., amended.

SECTION 1. Subdivision (c) of section sixty-nine of chapter thirty-three of the General Laws, as appearing in section

one of chapter four hundred and twenty-five of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out, in the thirteenth line, the words "three thousand" and inserting in place thereof the words:— four thousand, — so as to read as follows:—

(c) There shall be a state quartermaster appointed or detailed by the commander-in-chief who, under the direction of the adjutant general, shall, except as otherwise provided in this chapter and in chapter three hundred and forty-four of the acts of nineteen hundred and thirty-six, have the care and control of all land and buildings held for military purposes, of the soldiers' burial lot and monument at Dedham, and of all other military property of the commonwealth except such as is by law expressly intrusted to the keeping of other officers, departments, boards or commissions. Except when ordered on duty under sections eleven, seventeen, eighteen, nineteen or one hundred and five, he shall receive a salary of four thousand dollars. He shall give bond to the commonwealth in the penal sum of twenty thousand dollars with surety or sureties approved by the governor and council, conditioned faithfully to perform the duties of his office as specified hereinbefore or as may be prescribed by the commander-in-chief.

State quartermaster.

SECTION 2. This act shall take effect on December first in the current year.

Approved July 31, 1941.

Effective date.

AN ACT RELATIVE TO APPEALS FROM THE REFUSAL OR FAILURE OF LOCAL LICENSING AUTHORITIES, EXCEPT IN BOSTON, TO GRANT TRANSFERS OF LOCATION OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES AND FROM THEIR REFUSAL OR FAILURE TO TRANSFER, IN CERTAIN INSTANCES, THE LOCATION OF COMMON VICTUALLER'S AND INNHOLDER'S LICENSES. *Chap. 578*

Be it enacted, etc., as follows:—

Section twenty-three of chapter one hundred and thirty-eight of the General Laws, as amended, is hereby further amended by striking out the second of the paragraphs inserted by section twenty-three of chapter four hundred and forty of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 138, § 23, etc., amended.

Any license issued under this chapter may, upon application by the holder thereof to the licensing authorities issuing the same, be transferred from one location to another, but no new license fee shall be required. A transfer of location of a license issued by the local licensing authorities shall be subject to the prior approval of the commission. The local licensing authorities may transfer a common victualler's or innholder's license issued under chapter one hundred and forty from one location to another if the applicant therefor is also the holder of a license for the sale of alcoholic beverages at the location from which the transfer is sought. If the local licensing authorities of any city or town, except

Transfer of location by licensee.

Boston, refuse to grant or fail to act upon an application for a transfer of location of any license as authorized by this section, the applicant therefor may appeal to the commission under section sixty-seven in the same manner as though such authorities had refused to grant or failed to act upon an application for an original license under this chapter, and all the provisions of said section shall apply to such an appeal. Nothing herein contained shall be construed to limit or prevent the transfer from one location to another by local licensing authorities of common victuallers' or innholders' licenses issued under chapter one hundred and forty if the applicant for such a transfer is not the holder of a license for the sale of alcoholic beverages.

Approved July 31, 1941.

Chap. 579 AN ACT AUTHORIZING THE CITY OF MALDEN TO SELL ITS PRESENT POLICE STATION PROPERTY, AND REGULATING THE EXPENDITURE OF THE PROCEEDS OF SUCH SALE.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden is hereby authorized to enter into a contract for the sale of, and to sell, the land and buildings located at the corner of Exchange and Middlesex streets in said city, said buildings being the present police station and garage. The proceeds of said sale shall be held and applied towards the cost of the purchase or taking of other land for police station purposes or for the construction thereon of a police station, or for both of such purposes.

SECTION 2. This act shall take effect upon its passage.

Approved August 1, 1941.

Chap. 580 AN ACT TO PROVIDE FOR CERTAIN WORK AT THE GLOUCESTER FISH PIER, SO CALLED, IN THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to expend such sum, not exceeding thirty thousand dollars, as may hereafter be appropriated therefor, for work at the Gloucester Fish Pier, so called, as follows: — for resurfacing said pier and for dredging.

SECTION 2. This act shall take effect upon its passage.

Approved August 1, 1941.

Chap. 581 AN ACT FURTHER REGULATING THE SETTING OF FIRES IN THE OPEN AIR.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 48, § 13, etc., amended.

Chapter forty-eight of the General Laws is hereby amended by striking out section thirteen, as amended by chapter two hundred and four of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section: —
Section 13. No person shall set, maintain or increase a fire in the open air at any time unless the ground is substantially

Setting fires in open air regulated.

covered with snow, except by written permission, covering a period not exceeding five days from the date thereof, granted by the forest warden or chief of the fire department in cities and towns, or, in cities having such an official, the fire commissioner; provided, that no such permit shall be granted to be exercised during any portion of the months of April and May except upon rainy days; and provided, further, that persons over the age of twenty-one may, without a permit, set, maintain or increase a reasonable fire for the purpose of cooking, upon sandy or gravelly land free from living or dead vegetation or upon sandy or rocky beaches bordering on tide water, if the fire is enclosed within rocks, metal or other non-inflammable material. The forest warden, chief or fire commissioner, as the case may be, may make it a condition for granting a permit that any burning shall be done only after four o'clock (eastern standard time) in the afternoon and he may revoke a permit at any time. The forester may make rules and regulations relating to the granting and revocation of such permits binding throughout the commonwealth. Such rules and regulations shall take effect subject to section thirty-seven of chapter thirty, when approved by the governor and council. The forest wardens in towns and officials performing the duties of forest wardens in cities shall cause public notice to be given of the provisions of this section and shall enforce the same. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or both.

Penalty.

Approved August 1, 1941.

AN ACT PROVIDING FOR THE RETIREMENT BY THE CITY OF
LEOMINSTER OF CERTAIN CALL MEMBERS OF ITS FIRE DE-
PARTMENT. Chap. 582

Be it enacted, etc., as follows:

SECTION 1. The board of fire engineers of the city of Leominster, with the approval of the mayor and city council, shall retire from active service every call fireman in the fire department of said city who prior to the effective date of this act has attained, or who thereafter shall attain, the age of seventy years. Every call fireman so retired who was a member of said department on said effective date shall receive an annual pension, payable monthly, equal to one half of the annual salary received by him at his retirement.

SECTION 2. This act shall apply to call firemen formerly in the service of said city who have resigned or retired from active service since nineteen hundred and thirty-eight as well as to call firemen now in active service therein.

SECTION 3. This act shall take full effect on its acceptance, during the current year, by vote of the city council of the city of Leominster, but not otherwise.

Approved August 1, 1941.

Chap. 583 AN ACT DEFINING, AND FURTHER REGULATING, PRIVATE
TRADE SCHOOLS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 93, § 21,
etc., amended.

Remedy of
student de-
frauded by
misrepresen-
tation.

Treble
damages.

G. L. (Ter.
Ed.), 93,
new sections
21A-21D,
inserted.

"Private trade
school"
defined.

Licensing of
private trade
schools, re-
quirements for.

SECTION 1. Section twenty-one of chapter ninety-three of the General Laws, as amended by section one of chapter three hundred and forty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the second line, the words "or trade school" and inserting in place thereof the words: — school, or of a private trade school as defined in section twenty-one A, — so as to read as follows: — *Section 21.* Any pupil of a correspondence school, or of a private trade school as defined in section twenty-one A, who is defrauded by a misrepresentation made by an officer or agent of such school, or by any advertisement or circular issued by it, or by any person, firm, association or corporation, who sells textbooks to the said school or to the pupils thereof, may recover in contract from such school or person, firm, association or corporation three times the amount paid by him to such school or person, firm, association or corporation.

SECTION 2. Said chapter ninety-three is hereby further amended by inserting after said section twenty-one the four following new sections: — *Section 21A.* The term "private trade school" shall, in sections twenty-one to twenty-one D, inclusive, mean a school maintained, or classes conducted, for the purpose of teaching any trade or industrial occupation for profit or for a tuition charge but shall not include a private business school, school or college regularly chartered and authorized by the laws of the commonwealth to grant degrees, an endowed school which offers approved courses without profit, or a school exclusively engaged in training physically handicapped persons or a school conducted by any person for the education and training of his own employees.

Section 21B. No person shall operate or maintain a private trade school unless he is licensed so to do by the commissioner of education as hereinafter provided. Said commissioner shall not issue a license to operate or maintain such a school unless and until he shall have approved as to such school the proposed standards adopted and methods of instruction to be followed, the equipment and housing provided, the training and experience of the teachers to be employed, the form and contents of the student enrolment agreement or contract and the method of collecting tuition, nor and unless and until such schools shall have filed in the office of said commissioner its current advertising, if any. All advertising used by any such school subsequent to the receipt of a license hereunder shall from time to time be filed in the office of said commissioner. No license shall be granted hereunder unless said commissioner shall determine that the school possesses a sound financial structure with sufficient

resources for its proper use and support. Said commissioner may, after reasonable notice and a hearing, suspend or revoke such license and shall have the same powers to require by summons the attendance and testimony of witnesses, the production of books, papers and documents, and to administer oaths, as are conferred upon city councils and other bodies by section eight of chapter two hundred and thirty-three. Sections nine and ten of said chapter shall apply to witnesses summoned as aforesaid. Every such license shall run for one year from date of issuance and the fee therefor shall be fifty dollars for an original license and twenty-five dollars for each renewal thereof. Said commissioner may adopt and from time to time alter and amend rules and regulations, in conformity with this section, governing such schools and the licensing thereof. Each person operating a private trade school shall make an annual report to said commissioner in such form as he may prescribe.

Section 21C. Any person who is aggrieved by the refusal of the commissioner of education to grant or renew a license under section twenty-one B or by the revocation or suspension of a license granted under said section shall be entitled to have the reasonableness of such refusal, revocation or suspension reviewed by a justice of the superior court, whose decision shall be final.

Review by
justice of
superior court.

Section 21D. Whoever operates or maintains a private trade school in violation of section twenty-one B, or whoever, not being licensed under said section, holds himself out as operating and maintaining such school, or whoever violates any rule or regulation made under said section, shall be punished by a fine of not less than twenty-five or more than five hundred dollars.

Penalty.

SECTION 3. Section twenty-two of said chapter ninety-three, as amended by section two of said chapter three hundred and forty-three, is hereby further amended by striking out, in the third line, the words "or trade", — so as to read as follows: — *Section 22.* The department of education may establish rules and regulations governing correspondence schools.

G. L. (Ter.
Ed.), 93, § 22,
etc., amended.

Department of
education to
make rules.

Approved August 1, 1941.

AN ACT RELATIVE TO SUPERVISION BY THE COMMISSIONER OF INSURANCE OF THE STATE RETIREMENT SYSTEM, THE RETIREMENT SYSTEM FOR TEACHERS AND COUNTY, CITY AND TOWN RETIREMENT SYSTEMS.

Chap. 584

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

G. L. (Ter.
Ed.), 32, § 34,
amended.

The commissioner or his agent shall at least annually, during the first three years of its existence, and triennially

Inspection,
etc., of affairs
of retirement
associations.

thereafter, and whenever he determines it to be prudent, thoroughly inspect and examine the affairs of each such retirement association to ascertain its financial condition, its ability to fulfill its obligations, whether all the parties in interest have complied with the laws applicable thereto, and whether the transactions of each board of retirement have been in accordance with the rights and equities of those in interest. Each such retirement system shall be credited, in the account of its financial condition, with its investments having fixed maturities upon which the interest is not in default at amortized values, and, to the satisfaction of the commissioner, amply secured, and its other investments at a reasonable valuation.

G. L. (Ter. Ed.), 32, new section 34A, inserted.

Expenses incurred, how paid.

SECTION 2. Said chapter thirty-two is hereby further amended by inserting after section thirty-four, as so appearing, the following new section: — *Section 34A.* The expense incurred under section thirty-four in connection with any county, city or town retirement system shall be paid primarily by the commonwealth; and the state treasurer shall issue his warrant requiring the assessors of the cities and towns concerned to assess a tax to the amount of said expense, and such amounts shall be collected and paid to the state treasurer in the same manner and subject to the same penalties as state taxes. Any balance due shall be assessed in the succeeding years in the same manner as other state taxes. Said state treasurer shall assess on counties concerned the amount of said expense. *Approved August 1, 1941.*

Chap. 585 AN ACT AUTHORIZING THE TEMPORARY TRANSFER OF THE CARE, CUSTODY AND CONTROL OF CERTAIN PARK LAND IN THE CITY OF BOSTON TO THE TRUSTEES UNDER THE WILL OF GEORGE ROBERT WHITE FOR CERTAIN PUBLIC PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The park department of the city of Boston is hereby authorized to transfer to the care, custody and control of the trustees under the fourteenth clause of the will of George Robert White so much of the park land situate in Boston, and lying between the Longfellow bridge, the Charles river basin, the Charles river dam, and Charles street, and known as the Charlesbank, as said park department and said trustees shall agree upon, for the purposes of improving the bathing beach now located at said Charlesbank and of constructing on said park land a recreation center, including facilities for indoor and outdoor exercise, rest and recreation throughout the year, said improvement and said construction to be in accordance with plans approved by said park department; upon the express condition, however, that, upon the completion of said improvement and of said construction, the care, custody and control of said land, together with all erections thereon, shall revert without further act to said park department, to be held by

said park department in furtherance of the provisions of the will of said George Robert White. Said transfer shall also be upon the further express condition that if, within two years from the date of such transfer, such improvement and construction at or on said park land shall not have been completed, then the care, custody and control of said park land shall thereupon revert without further act to said park department.

SECTION 2. Upon the completion of the improvement and construction at said Charlesbank authorized by section one, the city of Boston, acting by and through said park department, may, to the extent permitted under the provisions of said will, charge a fee for the use of any services or facilities furnished in connection therewith, except that no fee shall be charged for the use of said beach; provided, that the aggregate amount of such fees charged in any fiscal year shall not exceed the estimated expense of the care and maintenance thereof during such year. Such fees shall be applied by said city only toward meeting the expense of the care and maintenance of said beach and recreation center.

SECTION 3. This act shall take effect upon its passage.

Approved August 1, 1941.

AN ACT PROVIDING FOR THE GRADING AND SANDING OF
MALIBU BEACH, SO CALLED, IN THE DORCHESTER DISTRICT
OF THE CITY OF BOSTON. Chap. 586

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to grade and sand Malibu beach, so called, in the Dorchester district of the city of Boston. For said purposes said commission may expend, from Item 8602-00 of chapter four hundred and nineteen of the acts of the current year, not exceeding five thousand dollars.

Approved August 1, 1941.

AN ACT AUTHORIZING THE APPOINTMENT OF A DIRECTOR OF
THE CORPORATION DIVISION IN THE DEPARTMENT OF THE
STATE SECRETARY. Chap. 587

Be it enacted, etc., as follows:

Chapter nine of the General Laws is hereby amended by striking out section two, as most recently amended by chapter two hundred and eighty-three of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 2.* He may appoint a first deputy, a second deputy, a third deputy who shall perform the duties of a division head, a director of the corporation division who shall be an attorney at law, a cashier for whose conduct he shall be responsible and from whom he may require a bond, and a chief of the archives division. He may

G. L. (Ter.
Ed.), 9, § 2,
etc., amended.

Deputies, etc.,
in depart-
ment of
state secretary.

also appoint clerks, messengers and other assistants necessary for the prompt despatch of public business. He may also employ such clerical assistance as he may deem necessary to carry out the laws relative to primaries and elections, and such employment and the appointment of such deputies, director, cashier and chief of the archives division shall not be subject to chapter thirty-one.

Approved August 1, 1941.

Chap. 588 AN ACT MAKING A CERTAIN LAW ESTABLISHING A MERIT SYSTEM FOR MUNICIPAL PUBLIC WELFARE EMPLOYEES INAPPLICABLE TO CERTAIN EMPLOYEES BY MISTAKE INCLUDED UNDER SUCH SYSTEM.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is immediately to make the law establishing such system inapplicable to certain employees by mistake included under such system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 31,
§ 47C, etc.,
amended.

SECTION 1. Section forty-seven C of chapter thirty-one of the General Laws, inserted by section one of chapter four hundred and two of the acts of nineteen hundred and forty-one, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph: —

To whom
chapter applies.

(1) This chapter, and the rules and regulations made thereunder, shall apply to all positions in each city or town which are not otherwise subject to this chapter and the duties of which require full time or part time on programs relative to old age assistance or aid to dependent children, or both, except the position of member of the board of public welfare or of any board having charge of a bureau of old age assistance, and except the position of any officer having the powers and duties of a board of public welfare when such position is, or is to be, filled by popular election. As used in this section, the words "board of public welfare" shall include any body, however named, having the powers and duties of a board of public welfare, but shall not include a board of public welfare consisting of two members one of whom, in the management of the municipal welfare department, acts in a capacity subordinate to that of the other.

Repeal.

SECTION 2. Section seven of said chapter four hundred and two is hereby repealed.

Effective
date.

SECTION 3. This act shall take effect as of the time said chapter four hundred and two took effect.

Approved August 2, 1941.

AN ACT FURTHER AUTHORIZING THE USE, ON THE WAYS *Chap.589*
WITHIN THE COMMONWEALTH, OF CERTAIN MOTOR VE-
HICLES AND TRAILERS DURING THE PRESENT NATIONAL
EMERGENCY.

Whereas, The deferred operation of this act would tend Emergency
preamble.
to defeat its purpose, which is to permit the immediate use
of certain motor vehicles and trailers for national defense
purposes, therefore it is hereby declared to be an emergency
law, necessary for the immediate preservation of public
safety and convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nineteen of
chapter ninety of the General Laws, as amended, the board
or officer having charge of any way or, in the case of a state
highway or a way determined by the state department of
public works to be a through way, said department, may,
during the period ending on July first, nineteen hundred and
forty-three, issue a special permit authorizing the use, but
not later than such date, on such ways of a vehicle or com-
bination of vehicles to be used for transporting, for national
defense purposes, heavy or clumsy units which it is not
practicable to transport otherwise than by the use of such a
vehicle or combination of vehicles.

Approved August 2, 1941

AN ACT REQUIRING THE SUBMISSION TO THE DEPARTMENT *Chap.590*
OF EDUCATION OF CERTAIN CONTRACTS FOR TRANSPOR-
TATION OR BOARD OF PUPILS BEFORE REIMBURSEMENT
MAY BE OBTAINED FOR EXPENDITURES THEREUNDER.

Be it enacted, etc., as follows:

Section seven of chapter seventy-one of the General Laws,
as appearing in the Tercentenary Edition, is hereby amended
by adding at the end the words: — and no reimbursement for
an expenditure made under an agreement or contract for
transportation or board shall be allowed unless such agree-
ment or contract shall have been submitted to said depart-
ment, — so as to read as follows:— *Section 7.* If the ex-
penditure per thousand dollars valuation from the proceeds
of local taxation for the support of public schools, made by
any town of less than five hundred families or householders
for the three town fiscal years preceding any school year,
averaged more than four and not more than five dollars,
the commonwealth shall reimburse the town for one half the
amount paid by it during said school year for transportation
or board in accordance with the preceding section. If said
average was more than five and not more than six dollars,
the reimbursement shall be for three fourths of said amount,
or if said average was more than six dollars, the reimburse-
ment shall be for the entire sum. Such reimbursement shall

G. L. (Ter.
Ed.), 71, § 7,
amended.

State reim-
bursement to
small towns
for transpor-
tation of
school children.

not be based on the excess of any amount above forty cents for each day of actual attendance of any pupil. If, however, in order to reach the high school, a pupil must travel three or more miles in some manner other than by steam or electric railroad, or other public conveyance, then the town shall be reimbursed three fourths of the excess, if any, that it expends for such pupil's transportation or board, or both, above forty cents, but not above eighty cents, for each day of actual attendance. Said excess reimbursement shall be paid only to towns in which said average expenditure per thousand dollars valuation was more than five dollars. All expenditures for which reimbursement is claimed shall be subject to approval by the department and no reimbursement for an expenditure made under an agreement or contract for transportation or board shall be allowed unless such agreement or contract shall have been submitted to said department.

Approved August 2, 1941.

Chap. 591 AN ACT PROVIDING FOR A COMMISSIONER OF PUBLIC HEALTH AND AN ADVISORY HEALTH BOARD IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Worcester subject to confirmation by the city council, shall appoint a commissioner of public health of said city, who shall be a citizen of the United States who has received both the degree of doctor of medicine from a medical school classified by the American Medical Association as a grade A school, and who has had practical experience in public health work. Said commissioner shall perform the duties established by law or ordinance to be performed by the board of health of said city.

The term of the commissioner of public health first appointed hereunder shall terminate on the first Monday in January, nineteen hundred and forty-five. On the first Monday in January in the year nineteen hundred and forty-five and in every fifth year thereafter the mayor, subject to confirmation by the city council, shall appoint a commissioner of public health of said city for a term of five years. Every such commissioner shall serve until the qualification of his successor. Any vacancy in office shall be filled, for the balance of the unexpired term, in the same manner as in an original appointment.

SECTION 2. Upon the qualification of the commissioner of public health initially appointed hereunder, the terms of office of the members of the board of health of the city of Worcester in office immediately prior thereto shall terminate, and said offices shall thereupon be abolished.

SECTION 3. There shall be appointed by the mayor of said city, subject to confirmation by the city council, an unpaid board to be known as the advisory health board, whose duties shall be to advise and assist the commissioner

of public health. Said board shall consist of three members, two of whom shall have received the degree of doctor of medicine from a medical school classified as provided in section one. Of the members initially appointed to the advisory health board hereunder, the term of one member shall terminate on the first Monday in January, nineteen hundred and forty-two, the term of one member shall terminate on the first Monday of January, nineteen hundred and forty-three, and the term of one member shall terminate on the first Monday in January, nineteen hundred and forty-four; and the two members whose terms soonest terminate shall be members of the board of trustees of Belmont Hospital for the time being. Members of said board shall serve until the qualification of their respective successors. As the terms of office of the members of the advisory health board initially appointed hereunder terminate, their successors shall be appointed for terms of three years each and until the qualification of their respective successors. Any vacancy in office shall be filled, for the balance of the unexpired term, in the same manner as in an original appointment. *Approved August 2, 1941.*

AN ACT REGULATING THE REQUIREMENTS FOR HEARINGS, Chap. 592
AND FOR NOTICES OF HEARINGS, UPON APPLICATIONS FOR
CERTAIN CERTIFICATES AND PERMITS BY CARRIERS OF
PROPERTY BY MOTOR VEHICLE.

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter one hundred and fifty-nine B of the General Laws, as appearing in section one of chapter four hundred and eighty-three of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

G. L. (Ter.
Ed.), 159B,
§ 3, etc.,
amended.

(b) Certificates shall be issued as provided in paragraph (a) of this section only after notice and a public hearing as hereinafter provided, and at the time of issuance, and from time to time thereafter, the exercise of the privileges granted by the certificate shall be subject to such reasonable terms, conditions and limitations as the public convenience and necessity may require, including such terms, conditions and limitations as to the extension of the route or routes of the carrier as are necessary to carry out, with respect to his operations, the general orders, rules and regulations adopted and established by the department under authority of this chapter; provided, that no such terms, conditions or limitations shall restrict the right of the carrier to add to his equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require. A hearing under this paragraph shall be held twice a month in the city of Boston and once a month in each of the cities of Fall River, Lowell, Pittsfield, Spring-

Hearings,
requirements
for.

field and Worcester and in each of the towns of Greenfield and Plymouth, at a time and place to be determined by the department. A written notice of such hearing shall be mailed by the department at least seven days before the date fixed therefor to the applicant, to the commissioner of public works, to every railroad and electric railway company serving any part of the route proposed to be served by the applicant, and to each person filing with the department a written request for such notice; and a copy of such notice, including a list of the applications to be heard, shall be posted, at least seven days before the date fixed for the hearing, in the office of the department, in the office of the commercial motor vehicle division, and in the building wherein such hearing is to be held. Under such general or special rules and regulations as the commissioners may prescribe, a common carrier by motor vehicle operating under any such certificate may occasionally deviate from the route over which, and the fixed termini between which, he is authorized to operate under the certificate.

G. L. (Ter. Ed.), 159B, § 4, etc., amended.

Permits.

SECTION 2. Section four of said chapter one hundred and fifty-nine B, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

Such a permit shall be issued only after notice and a hearing, which hearing shall be held in the same manner and to the same extent as is provided in paragraph (b) of section three for hearings on applications for common carrier certificates. Each application for such a permit shall be made in the same manner as is provided in paragraph (a) of said section three for applications for certificates, and shall be accompanied by a fee of ten dollars.

Approved August 2, 1941.

Chap. 593 AN ACT TO ENABLE THE DEPARTMENT OF PUBLIC WELFARE TO CO-OPERATE MORE FULLY WITH THE FEDERAL GOVERNMENT IN CONNECTION WITH THE ADMINISTRATION OF THE LAWS RELATIVE TO AID TO DEPENDENT CHILDREN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 118, § 2, etc., amended.

Duties of boards of public welfare.

SECTION 1. Section two of chapter one hundred and eighteen of the General Laws, as appearing in section one of chapter four hundred and thirteen of the acts of nineteen hundred and thirty-six, is hereby amended by inserting after the word "welfare" in the first line the words:—, subject to the supervision of the department and in compliance with the rules and regulations adopted by the department pursuant to the provisions of this chapter,— so as to read as follows:— *Section 2.* In every town the board of public welfare, subject to the supervision of the department and in compliance with the rules and regulations adopted by the department pursuant to the provisions of this chapter, shall aid every parent in properly bringing up,

in his or her own home, each dependent child if such parent is fit to bring up such child, but no aid shall be granted under this chapter for or on account of any child unless (1) such child has resided in the commonwealth one year immediately preceding the application for such aid, or (2) such child was born within the commonwealth within one year immediately preceding such application, if its mother has resided in the commonwealth for one year immediately preceding the birth. The aid furnished shall be sufficient to enable such parent to bring up such child or children properly in his or her own home. Nothing in this chapter shall be construed as authorizing any public official, agent or representative, in carrying out any provision of this chapter, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

SECTION 2. Said chapter one hundred and eighteen is hereby further amended by striking out section five, as so appearing, and inserting in place thereof the following section: — *Section 5.* The department shall supervise the administration of this chapter, and for this purpose may adopt rules and regulations for its efficient administration, and may take such further action as may be necessary or desirable for carrying out its purposes in conformity with all requirements governing the allowance of federal aid to the commonwealth as a grant for aid to dependent children. The rules and regulations adopted by the department may include, among others, provisions relative to notice and reimbursement, provisions for the organization of the activities of local boards under this chapter, including provisions as to adequacy of personnel and for a uniform system of records and accounts to be kept by the local boards, and the manner and form of making reports to the department. The department may visit and inspect any or all families so aided, and shall have access to any records and other data kept by such boards or their representatives relating to such aid, and may require the production of books and papers and the testimony of witnesses under oath. The department shall make an annual report, and shall make such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

G. L. (Ter. Ed.), 118, § 5, etc., amended.

Department shall supervise work of local boards.

Approved August 2, 1941.

AN ACT RELATIVE TO THE SALE OF LANDS OF LOW VALUE *Chap. 594*
HELD BY CITIES OR TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty of the General Laws is hereby amended by striking out section seventy-nine, as most

G. L. (Ter. Ed.), 60, § 79, etc., amended.

Sale without
foreclosure of
lands taken or
purchased by
city or town.

Procedure,
etc.

recently amended by section one of chapter one hundred and seventy-three of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 79.* After two years from the taking or purchase by a town of any parcels of land for non-payment of taxes, the commissioner may, and on written application of the town treasurer shall, inquire into the value of such parcels and the validity of tax titles held thereon. As a part of such inquiry the commissioner shall, upon written request therefor by any person in interest, hear such person relative to any matter pertaining to such inquiry. If the commissioner is of opinion that such parcels are of insufficient value to meet the taxes, interest and charges, and all subsequent taxes and assessments thereon, together with the expenses of a foreclosure under section sixty-nine, that none of such parcels exceeds one thousand dollars in value, and that the facts essential to the validity of the tax titles on such lands have been adequately established, he shall make affidavit of such finding, which shall be recorded in the registry of deeds for the district wherein the land lies.

The commissioner may require the treasurer to include in his application a statement under the penalties of perjury setting forth such information appearing in the records of the assessors and of the collector and tending to establish the validity of the tax titles on such parcels of land as the commissioner deems meet. The statement so made, or such portion thereof as the commissioner finds pertinent, may be incorporated in his affidavit and, when recorded, shall be prima facie evidence of such facts.

Upon the recording of the affidavit the treasurer may sell all the parcels included therein, severally or together, at public auction to the highest bidder, first giving notice of the time and place of sale by posting a notice of the sale in some convenient and public place in the town fourteen days at least before the sale; provided, that the treasurer at such auction may reject any bid which he deems inadequate. If the sale under this section shall not be made within four years from said taking or purchase, it shall be made by the treasurer for the time being when he deems best, or at once upon service on him of a written demand by any person interested therein. The treasurer shall execute and deliver to the highest bidder whose bid has not been rejected as inadequate a deed without covenant except that the sale has in all particulars been conducted according to law. Such deed shall not be valid unless recorded within sixty days after the sale. Title taken pursuant to a sale under this section shall be absolute upon the recording of the deed of the treasurer in the proper registry of deeds within such sixty days.

If the amount received from the sale is more than the taxes, interest and charges, and subsequent taxes and assessments, on all lands included in the sale, together with the expenses thereof, the balance shall be deposited with the town treasurer to be paid to the person entitled thereto if demanded

within five years, otherwise it shall enure to the town. If such surplus results from the sale of several parcels for a lump sum, it shall be held as aforesaid for the several owners in proportion to the prices at which the several parcels were originally taken or purchased by the town.

SECTION 2. Section eighty of said chapter sixty, as most recently amended by section two of said chapter one hundred and seventy-three, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Such deed shall not be valid unless recorded within sixty days after the sale under this section; and the title of the town to land conveyed thereby shall be absolute upon the recording of said deed in the proper registry of deeds within such sixty days, — so as to read as follows:

— *Section 80.* If no person bids at such a sale or if no bid deemed adequate by the treasurer is made thereat and if the sale has been adjourned one or more times, the treasurer shall then and there make public declaration of the fact, and if no bid or no bid deemed adequate as aforesaid is then made he shall give public notice that he purchases for the town by which the tax is assessed; or if the person to whom the land is sold does not within ten days pay to the treasurer the sum bid by him the sale shall be void and the town shall be deemed to be the purchaser of the land. If the town becomes the purchaser hereunder, the treasurer shall execute to it a deed which shall set forth the fact that no bid or no bid deemed adequate as aforesaid was made at the sale or that the purchaser failed to pay the amount bid, as the case may be. Such deed shall not be valid unless recorded within sixty days after the sale under this section; and the title of the town to land conveyed thereby shall be absolute upon the recording of said deed in the proper registry of deeds within such sixty days.

SECTION 3. Said chapter sixty is hereby further amended by inserting after section eighty, as amended, the two following new sections:— *Section 80A.* Any person, having a right of redemption or any other interest in the land conveyed or purporting to be conveyed under section seventy-nine or section eighty, upon whom service of the notice of sale provided in said section seventy-nine has been made by registered mail, who, prior to the sale, neither redeems the land nor brings proceedings to enjoin the sale, shall, upon the recording of the deed as required by said section seventy-nine or said section eighty, be forever barred from raising any question concerning the validity of the title conveyed thereby, and a statement contained in the treasurer's deed that such service has been made, naming the persons who were served by registered mail, shall be prima facie evidence thereof.

Section 80B. The holder of a title acquired under section seventy-nine or section eighty, whether acquired before or after the effective date of this section, may file in the land court a petition to establish such title by requiring all per-

G. L. (Ter. Ed.), 60, § 80, etc., amended.

Proceedings upon lack of bids, etc., at sale.

G. L. (Ter. Ed.), 60, new §§ 80A and 80B, inserted.

Right of redemption barred, when.

Jurisdiction of land court to quiet title, etc.

sons who would have an interest in the land involved except for either the petitioner's title or his chain of title originating under said section seventy-nine or said section eighty to show cause why they should not bring an action to try any claim or claims which they may have adverse to the petitioner's title arising out of the tax proceedings upon which such title was based. The petition shall set forth on oath the petitioner's source of title, giving a reference to the place, book and page of record of the deed under said section seventy-nine or said section eighty upon which the petitioner relies, the description of the land involved which appeared in the tax deed or instrument of taking upon which such deed under said section seventy-nine or said section eighty was based, the names of all such persons known to the petitioner and such other facts as may be necessary for the information of the court; but the petitioner need not allege in such petition nor show during the hearing thereof any error or irregularity in the tax proceedings upon which such title depends or any other defect in such title. The petition shall be in the alternative praying that such persons be ordered to show cause why they should not bring action to try such claim or claims or, if such persons do not appear within the time fixed or, having appeared, disobey the lawful order of the court to try their claim or claims, that the court enter a decree that they be forever barred from having or enforcing any such claim or claims adversely to the petitioner, his heirs or assigns, in the land described.

Upon the filing of the petition, the court shall notify all such persons of the pendency of the petition, the notice to be sent to each by registered mail and the return of receipt to be required, the addresses of such persons, so far as may be ascertained, being furnished by the petitioner. Such other and further notice by publication or otherwise shall be given as the court may at any time order. The notice, to be addressed "To all whom it may concern", shall contain the name of the petitioner, the names of all respondents named in the petition, the description of the land, and a statement of the nature of the petition, shall fix the time within which appearance may be entered and shall contain a statement that unless the persons notified shall appear within the time fixed that they shall be forever barred from having or enforcing any such claim or claims adversely to the petitioner, his heirs or assigns, in the land described.

The persons so notified shall by answer show why they should not be required to bring an action to try such claim or claims, and the court shall enter an appropriate decree relative to bringing and prosecuting such action. If the persons so notified do not appear within the time fixed or, having appeared, disobey the lawful order of the court to try their claim or claims, the court shall enter a decree that they be forever barred from having or enforcing any such claim or claims adversely to the petitioner, his heirs or assigns, in the land described.

If, as the result of such a petition, the petitioner's title is adjudged invalid by a court of competent jurisdiction because of errors or irregularities in the tax proceedings upon which it was based, the clerk, upon request, shall issue a certificate to that effect. The treasurer of the city or town where the land affected by such title is situated, upon receipt of a release by the holder of said title of all interest which he may have under it, together with such certificate, shall refund to such holder the amount paid therefor but not exceeding the amount received by the city or town.

Notice of filing the petition and notice of the final disposition thereof shall be recorded in the registry of deeds, as provided for in land registration proceedings.

The land court shall have jurisdiction of petitions under this section and, except as herein provided, practice and procedure under this section shall conform as nearly as possible to the land court practice, rules, regulations and procedure under chapter one hundred and eighty-five in so far as the same may be applicable.

Approved August 2, 1941.

AN ACT REDUCING THE RATE OF INTEREST ON BETTERMENT ASSESSMENTS. Chap. 595

Be it enacted, etc., as follows:

Section thirteen of chapter eighty of the General Laws, as most recently amended by section one of chapter four hundred and eighty-nine of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the second line, as appearing in section one of chapter three hundred and fifteen of the acts of nineteen hundred and thirty-four, the word "six" and inserting in place thereof the word: — four, — so that the first sentence will read as follows: — Assessments made under this chapter shall bear interest at the rate of four per cent per annum from the thirtieth day after the assessments have been committed to the collector.

G. L. (Ter. Ed.), 80, § 13, etc., amended.

Assessments.

Approved August 2, 1941.

AN ACT TO PROMOTE EQUALITY OF COMPENSATION FOR POSITIONS IN THE STATE SERVICE. Chap. 596

Be it enacted, etc., as follows:

SECTION 1. Section twenty-four of chapter six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth, fifth and sixth lines, the words "receive such salaries as may be fixed by the commissioner of state aid and pensions, subject to the approval of the governor and council, and shall", — so as to read as follows: — *Section 24.* The governor, with the advice and consent of the council, shall appoint a deputy and a second deputy commissioner of state aid and pensions for three years, who shall devote their whole time to the

G. L. (Ter. Ed.), 6, § 24, amended.

Deputy commissioner of state aid and pensions, etc.

duties of their offices. They shall be subject to the direction and control of said commissioner. The deputy commissioner, or in case of a vacancy in his office or in his absence or disability the second deputy commissioner, shall perform the duties of said commissioner during his absence on account of disability or other cause.

G. L. (Ter. Ed.), 6, § 45, etc., amended.

Secretary to alcoholic beverages control commission, etc.

SECTION 2. Said chapter six is hereby further amended by striking out section forty-five, inserted by section two of chapter one hundred and twenty of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following section: — *Section 45.* The commission may appoint and remove a secretary, with the approval of the governor and council. It may expend for such clerical and other assistants as may be necessary for the performance of its duties such amounts as may be appropriated. Each member of the commission, and each of its employees having access to moneys received by it, shall give to the state treasurer a bond for the faithful performance of his duties in a penal sum and with sureties approved by the governor and council.

G. L. (Ter. Ed.), 6, § 48, etc., amended.

Secretary to state racing commission, etc.

SECTION 3. Section forty-eight of said chapter six, inserted by section two of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

The commission may appoint and remove a secretary and other assistants who shall be exempt from the provisions of chapter thirty-one.

G. L. (Ter. Ed.), 10, § 5, etc., amended.

Deputies, etc., to state treasurer.

SECTION 4. Section five of chapter ten of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The state treasurer, with the consent of the governor and council, may appoint, and may for cause with such consent remove, a first and a second deputy treasurer and shall prescribe their respective duties.

G. L. (Ter. Ed.), 11, § 2, amended.

Deputy to state auditor.

SECTION 5. Section two of chapter eleven of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The state auditor, with the consent of the governor and council, shall appoint a first deputy auditor who shall perform such duties as may be assigned him by the auditor and who may be removed by him for cause at any time, with the consent of the governor and council.

G. L. (Ter. Ed.), 13, § 25, amended.

Board of registration in pharmacy, agents of.

SECTION 6. Chapter thirteen of the General Laws is hereby amended by striking out section twenty-five, as so appearing, and inserting in place thereof the following section: — *Section 25.* The board shall appoint not more than four agents who shall be allowed necessary traveling expenses. They shall inspect drug stores and make a daily report of their doings pertaining thereto, and report all violations of the laws relating to pharmacy.

G. L. (Ter. Ed.), 13, § 36, amended.

SECTION 7. Section thirty-six of said chapter thirteen, as so appearing, is hereby amended by striking out the second

paragraph and inserting in place thereof the following paragraph: —

Said board shall appoint an executive secretary who is a citizen of the commonwealth and has had at least ten years' continuous practical experience as a plumber. He shall receive his necessary traveling expenses incurred in the performance of his duties.

Secretary
to state
examiners
of plumbers.

SECTION 8. Chapter fourteen of the General Laws is hereby amended by striking out section four, as so appearing, and inserting in place thereof the following section: —

G. L. (Ter.
Ed.), 14, § 4,
amended.

Section 4. The commissioner, with the advice and consent of the governor and council, may appoint and remove the following officers and subordinates in his department:

Deputy com-
missioners, etc.,
of corporations
and taxation.

A deputy commissioner and a second deputy;

Directors of divisions;

Such supervisors of assessors, assistants and examiners as the commissioner may deem necessary, subject to the approval of the governor and council, one income tax assessor for each district established by the commissioner for the assessment and collection of the income tax, and such deputy income tax assessors, who may be members of local boards of assessors, as the governor and council may deem necessary;

A principal appraiser;

Such assistants to the director of accounts as may from time to time be necessary to carry out sections forty-four to forty-seven, inclusive, of chapter thirty-five and sections thirty-five to forty-three, inclusive, of chapter forty-four.

He may appoint from time to time such appraisers as may be necessary to appraise property subject to the inheritance tax or to assist him in determining land values under section thirteen of chapter fifty-eight.

He may appoint such additional officials, agents, clerks and other employees as the work of the department requires and may remove them.

SECTION 9. Chapter fifteen of the General Laws is hereby amended by striking out section five, as so appearing, and inserting in place thereof the following section: — *Section 5.*

G. L. (Ter.
Ed.), 15, § 5,
amended.

Except as otherwise provided in this chapter, directors of divisions of the department shall be appointed and may be removed by the commissioner, with the approval of the board. Except in the case of the teachers' retirement board, the division of public libraries, the division of the blind and institutions under the department, the commissioner may appoint such assistants as the work of the department may require, may assign them to divisions, transfer and remove them, but none of such employees shall have any direct or indirect pecuniary interest in the publication or sale of any text or school book, or article of school supply used in the public schools of the commonwealth. For the compensation of such assistants as it may employ, for conferences and conventions of teachers held under the direction of the department, and for traveling and other necessary expenses incurred

Assistants, etc.,
in department
of education.

by the members and subordinates, the department may be allowed such sums as may be appropriated.

G. L. (Ter. Ed.), 16, § 5, amended.

Registrar of motor vehicles.

SECTION 10. Chapter sixteen of the General Laws is hereby amended by striking out section five, as so appearing, and inserting in place thereof the following section: — *Section 5.* The commissioner shall appoint and may remove, subject to the approval of the governor and council, an official to be known as the registrar of motor vehicles.

G. L. (Ter. Ed.), 17, § 4, amended.

Directors of divisions, etc., in department of public health.

SECTION 11. Chapter seventeen of the General Laws is hereby amended by striking out section four, as so appearing, and inserting in place thereof the following section: — *Section 4.* There shall be in the department a division of sanatoria and such other divisions as the commissioner, with the approval of the public health council, may from time to time determine. The commissioner, subject to the approval of the governor and council, may appoint and remove a director of the division of sanatoria, and, subject to the approval of the public health council, shall appoint and may remove a director to take charge of every other division, and shall prescribe the duties of such other divisions.

G. L. (Ter. Ed.), 18, § 7, etc., amended.

Director of aid and relief to give bond.

SECTION 12. Chapter eighteen of the General Laws is hereby amended by striking out section seven, as amended by section one of chapter three hundred and eleven of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 7.* The commissioner, with the approval of the governor and council, shall appoint and may remove the director of the division of aid and relief, who, under the supervision and control of the commissioner, shall perform the duties required of him by law relative to the state adult poor. Said director shall give a bond to the state treasurer for the faithful performance of his duties in such sum as the comptroller may prescribe.

G. L. (Ter. Ed.), 18, § 9, amended.

Director of child guardianship.

SECTION 13. Said chapter eighteen is hereby further amended by striking out section nine, as appearing in the Tercenary Edition, and inserting in place thereof the following section: — *Section 9.* The commissioner, with the approval of the governor and council, shall appoint and may remove a director of the division of child guardianship, who, under the supervision and control of the commissioner, shall perform the duties required of him by law relative to children.

G. L. (Ter. Ed.), 18, § 18, etc., amended.

State housing board may appoint clerks, etc.

SECTION 14. Section eighteen of said chapter eighteen, as amended by section one A of chapter four hundred and forty-nine of the acts of nineteen hundred and thirty-five, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Subject to the approval of the governor and council, the housing board may appoint such assistants as the work of the board may require and may remove them, and may make such expenditures as may be necessary in order to execute effectively the functions vested in it.

G. L. (Ter. Ed.), 20, § 4, etc., amended.

SECTION 15. Chapter twenty of the General Laws is hereby amended by striking out section four, as most recently

amended by section one of chapter three hundred and forty of the acts of nineteen hundred and thirty-four and as subsequently affected, and inserting in place thereof the following section:— *Section 4.* The commissioner shall organize the department in divisions, including a division of dairying and animal husbandry, a division of plant pest control and fairs, a division of markets, a division of livestock disease control, and such other divisions as he may from time to time determine, and shall assign to said divisions their functions. The work of each division shall be in charge of a director. The director of the division of livestock disease control shall be known as the director of livestock disease control, and shall be appointed and may be removed by the governor, with the advice and consent of the council. The commissioner shall appoint and may remove a director for each of the other divisions. The commissioner may also appoint, except as to the division of livestock disease control, such other assistants as the work of the department may require and may assign them to divisions, transfer and remove them.

Organization of department of agriculture.

Directors of divisions, etc.

SECTION 16. Section four of chapter twenty-three of the General Laws, as most recently amended by section one of chapter two hundred and sixty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the first two sentences and inserting in place thereof the two following sentences:— The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint not more than five directors, and may, with like approval, remove them. One of them, to be known as the director of standards and necessities of life, shall have charge of the division of standards and of the division on the necessities of life, and each of the others shall be assigned to take charge of a division, other than the division of public employment offices.

G. L. (Ter. Ed.), 23, § 4, etc., amended.

Director of standards and necessities of life.

SECTION 17. Section nine I of said chapter twenty-three, as appearing in section one of chapter twenty of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:—

G. L. (Ter. Ed.), 23, § 9I, etc., amended.

(b) The director shall receive a salary of seventy-five hundred dollars.

Salary.

SECTION 17A. Said chapter twenty-three is hereby further amended by striking out section eleven C, inserted by chapter four hundred and twenty-seven of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section:— *Section 11C.* Subject to the approval of the governor and council, the commission may appoint a secretary and such experts as it may require and may remove them with like approval. It may also employ such other necessary clerks and employees as it may require. Authorized representatives of the commission may travel outside the commonwealth for the purpose of carrying out section eleven D.

G. L. (Ter. Ed.), 23, § 11C, etc., amended.

Secretary, etc., of development and industrial commission.

G. L. (Ter.
Ed.), 25,
§ 12C, etc.,
amended.

Division
of smoke
inspection.

G. L. (Ter.
Ed.), 25,
§ 12F, etc.,
amended.

Commercial
motor vehicle
division,
director of, etc.

G. L. (Ter.
Ed.), 26, § 3,
amended.

Deputy com-
missioner of
insurance.

SECTION 18. Chapter twenty-five of the General Laws is hereby amended by striking out section twelve C, inserted by section one of chapter three hundred and fifty-two of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following section: — *Section 12C.* There shall be in the department, and under its supervision and control, a division of smoke inspection consisting of a director, who shall have charge of said division. The commission, with the approval of the governor and council, shall appoint said director for a term of five years. The commission, with like approval, or the governor, may remove said director at any time for cause. Said director shall not engage in any other business, and he shall be an experienced engineer.

SECTION 19. Said chapter twenty-five is hereby further amended by striking out section twelve F, as most recently amended by section one of chapter three hundred and thirty-five of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 12F.* There shall be in the department, and under the general supervision and control of the commission, a commercial motor vehicle division which shall be under the charge of a director, who shall be subject to chapter thirty-one and the rules and regulations made under authority thereof. The commission shall appoint said director. Said division, subject to such supervision and control, shall perform such functions in relation to the administration and enforcement of chapter one hundred and fifty-nine B imposed upon the department by said chapter as the commission may from time to time determine by order duly recorded in the office of the commission and open to public inspection. Such an order may also provide for appeals to the commission from rulings and decisions of said director. The commission may employ such assistants and employees to serve in said division as it may deem necessary, and may assign for service in said division such number, not exceeding twenty-five, of investigators and examiners as it may deem necessary.

SECTION 20. Chapter twenty-six of the General Laws is hereby amended by striking out section three, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 3.* Subject to the approval of the governor and council, the commissioner may appoint and remove a deputy commissioner. The commissioner may appoint and remove such assistants as the work of the division may require. He shall be allowed necessary expenses, including those for the investigation of, and prosecution for, violation of any provision of sections ninety-six to one hundred and fourteen, inclusive, of chapter one hundred and forty, and the actual expenses incurred by him and his subordinates in traveling in the performance of official duties. The assistants shall give bonds, with sureties to be approved by the commissioner, for the faithful performance of their duties.

SECTION 21. Said chapter twenty-six is hereby further amended by striking out section four, as so appearing, and inserting in place thereof the following section: — *Section 4.* The commissioner of banks, with the approval of the governor and council, may appoint and remove a deputy as supervisor of loan agencies, who shall give bond in the sum of five thousand dollars, with sufficient sureties, payable to and approved by the state treasurer.

G. L. (Ter. Ed.), 26, § 4, amended.
Supervisor of loan agencies.

SECTION 22. Chapter twenty-seven of the General Laws is hereby amended by striking out section two, as amended by chapter ninety of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 2.* The commissioner, with the approval of the governor and council, may appoint and remove two deputy commissioners. The deputy commissioners shall perform such duties as the commissioner shall prescribe. One deputy commissioner, who shall be designated by the commissioner, shall perform the duties of the commissioner during his absence or disability, and the other shall perform such duties during the absence or disability of the commissioner and also of the deputy commissioner so designated, or during the absence or disability of the commissioner in case the office of the deputy commissioner so designated is then vacant.

G. L. (Ter. Ed.), 27, § 2, etc., amended.

Deputy commissioners of correction.

SECTION 23. Chapter twenty-eight of the General Laws is hereby amended by striking out section three, as amended by section one of chapter two hundred and forty-four of the acts of nineteen hundred and thirty-six and inserting in place thereof the following section: — *Section 3.* The commissioner shall be the executive and administrative head of the commission and shall organize it in such divisions as he may from time to time determine. He may appoint a director of each division to have charge of its work. Every such director shall be subject to chapter thirty-one.

G. L. (Ter. Ed.), 28, § 3, etc., amended.

Commissioner, etc., of metropolitan district commission.

SECTION 24. Chapter fifty-eight A of the General Laws is hereby amended by striking out section five, as amended by chapter three hundred and eighty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following section: — *Section 5.* The members and employees of the board shall receive their necessary traveling expenses and their expenses actually incurred for subsistence while traveling outside the city of Boston in the performance of their duties. The board, subject to the approval of the governor and council, may appoint such employees, including a clerk, and make such expenditures, including expenditures for law books and publications, as may be necessary in order to execute efficiently the functions vested in said board. The clerk and assistant clerks shall hold office during good behavior, but subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All expendi-

G. L. (Ter. Ed.), 58A, § 5, etc., amended.

Certain expenses of members of board of tax appeals.

Clerks, employees, etc.

tures of the board shall be allowed and paid out of moneys appropriated for the purposes of the board, upon presentation of itemized vouchers therefor, signed by the chairman or a person designated by the board for the purpose.

G. L. (Ter. Ed.), 122, § 1, etc., amended.

Trustees of the Tewksbury state hospital and infirmary, duties of.

Annual report.

G. L. (Ter. Ed.), 125, § 46, repealed.

SECTION 25. Chapter one hundred and twenty-two of the General Laws is hereby amended by striking out section one, as amended by section nineteen of chapter three hundred and fifty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following section: — *Section 1.* The trustees of the Tewksbury state hospital and infirmary, in this chapter called the trustees, shall hold meetings monthly at said hospital and infirmary. One trustee shall visit the institution at least once a week. The trustees shall appoint a superintendent thereof, who, with the approval of the governor and council, may be the resident physician, who shall hold office at the pleasure of the trustees. All other officers and employees shall be appointed by the superintendent, subject to the approval of the trustees. The trustees shall not employ one of their own members. The commissioner of public welfare shall make an annual report of the condition of the institution, with a copy of the inventory required by section forty of chapter one hundred and twenty-one.

SECTION 26. Section forty-six of chapter one hundred and twenty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby repealed.

Approved August 2, 1941.

Chap. 597 AN ACT TO ENABLE THE DEPARTMENT OF PUBLIC WELFARE TO CO-OPERATE MORE FULLY WITH THE FEDERAL GOVERNMENT IN CONNECTION WITH THE ADMINISTRATION OF THE LAWS RELATIVE TO OLD AGE ASSISTANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 118A, § 2, etc., amended.

SECTION 1. Section two of chapter one hundred and eighteen A of the General Laws, as most recently amended by section two of chapter four hundred and forty of the acts of nineteen hundred and thirty-seven, is hereby further amended by inserting after the word "assistance" in the fourth line the following new sentence: — Boards of public welfare and bureaus of old age assistance in performing the duties imposed upon them and in exercising the powers granted to them under this chapter shall be subject to the supervision of the department and shall comply with all rules and regulations adopted by the department pursuant to the provisions of this chapter, — by striking out, in the fourteenth line, the words "appeal board hereinafter provided for" and inserting in place thereof the word: — department, — and by striking out, in the eighteenth line, the words "appeal board" and inserting in place thereof the word: — department, — and by striking out, in the thirty-second line, the words "to the general court", — so as to read as

follows: — *Section 2.* Each board of public welfare shall, for the purpose of granting adequate assistance and service to such aged persons, establish a division thereof to be designated as the bureau of old age assistance. Boards of public welfare and bureaus of old age assistance in performing the duties imposed upon them and in exercising the powers granted to them under this chapter shall be subject to the supervision of the department and shall comply with all rules and regulations adopted by the department pursuant to the provisions of this chapter. In determining the need for financial assistance, said bureaus shall give consideration to the resources of the aged person, but no action shall be brought under sections twenty to twenty-two, inclusive, of chapter two hundred and seventy-three by a board of public welfare in connection with the granting of assistance under this chapter except with the written approval of the department. Not later than fourteen days from the initial payment to applicants, notice on a form prescribed by the department shall be forwarded to the department, stating in each case any and all deductions from the amounts of assistance prescribed herein and the reasons for all such deductions. If said deductions in a particular case are not approved by said department they shall not be made in subsequent payments in said case and the amount of deductions made in such initial payment shall be added to the amount of the next succeeding payment. In determining the amounts of assistance to be paid under this chapter, local boards of public welfare shall determine that all applicants eligible for such assistance shall receive such assistance in the amounts prescribed herein or in amounts which would bring said applicants' total income to the equivalent of such amounts. Separate records of all such aged persons who are assisted shall be kept and reports returned in the manner prescribed by section thirty-four of chapter forty-one and by sections thirty-two and thirty-three of chapter one hundred and seventeen. The department shall make an annual report, and also such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

Bureau of old age assistance.
Determination of need for assistance.
Procedure, etc.

SECTION 2. Said chapter one hundred and eighteen A is hereby further amended by striking out section ten, as appearing in section one of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section: — *Section 10.* The department shall supervise the administration of this chapter, and for this purpose may adopt rules and regulations for its efficient administration, and may take such action as may be necessary or desirable for carrying out its purposes in conformity with all requirements governing the allowance of federal aid to the commonwealth as a grant for old age assistance. The rules and regulations adopted by the department may include, among others, provisions relative

G. L. (Ter. Ed.), 118A, § 10, etc., amended.

Supervision by department of public welfare.

Rules and regulations, etc.

to notice and reimbursement, the organization of the activities of bureaus of old age assistance under this chapter, including provisions for adequacy of personnel, a uniform system of records and accounts to be kept by boards of public welfare or bureaus of old age assistance, and for the manner and form of making reports to the department. The department may visit any person assisted, and shall have access to any records and other data kept by the boards of public welfare or their representatives relating to such assistance, and may require the production of books and papers and the testimony of witnesses under oath.

Approved August 2, 1941.

Chap. 598 AN ACT TO AMEND THE LAWS RELATIVE TO MARINE FISH AND FISHERIES INCLUDING CRUSTACEA AND SHELLFISH AND IN CERTAIN OTHER RESPECTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 130, stricken out and new chapter 130, inserted.

SECTION 1. The General Laws are hereby amended by striking out chapter one hundred and thirty, as amended, and inserting in place thereof the following chapter: —

CHAPTER 130.

MARINE FISH AND FISHERIES.

Definitions and Rules of Construction.

Definitions.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings and the following rules of construction shall apply:

"Angling", fishing with hand line or rod, with naturally or artificially baited hook.

"Clam", a marine mollusk of the species *Mya arenaria* commonly called the soft-shell clam.

"Close season", the time during which fish cannot lawfully be taken.

"Coastal warden", a coastal warden appointed under section eight B of chapter twenty-one.

"Coastal waters", all waters of the commonwealth within the rise and fall of the tide and the marine limits of the jurisdiction of the commonwealth, but not waters within or above any fishway or dam nor waters above any tidal bound legally established by the department of public works in streams flowing into the sea.

"Commissioner", the commissioner of conservation.

"Dealer", any person who commercially handles fish.

"Department", the department of conservation.

"Deputy" or "deputy coastal warden", a deputy coastal warden appointed under section eight B of chapter twenty-one.

"Director", the director of the division of marine fisheries.

"Division", the division of marine fisheries.

"Fish", any animal life inhabiting the coastal waters including any crustacean or marine fish, whether free swimming or free moving, and any shellfish or sea worms, whether or not embedded in the soil. All provisions of the chapter relative to fish shall, so far as apt, apply also to lobster meat and crab meat after the same has been taken from the shell.

The verb, "to fish", in all of its moods and tenses, to take or to attempt to take fish by any method or means, whether or not such method or means results in their capture.

"Fish car", a box or other contrivance in coastal waters, whether floating or sunken, used for keeping fish alive.

"Fish inspector", a fish inspector appointed under said section eight B of chapter twenty-one.

"Lobster", the common American lobster, of the species *Homarus americanus*.

"Marine fisheries", all fisheries in coastal waters.

"Open season", the time during which fish may lawfully be taken.

"Quahaug", a marine mollusk of the species *Venus mercenaria* commonly called the hard-shell clam.

"Retail dealer", any person not a wholesale dealer who distributes fish commercially.

"Scallop", a marine mollusk of the species *Pecten irradians*, commonly known as the bay scallop or shallow water scallop.

"Sea scallop", a marine mollusk of the species *Pecten magellanicus*, commonly known as deep water scallop.

"Seed clam", a soft-shell clam of a size less than the minimum prescribed in section sixty-nine and useable for planting purposes only.

"Seed quahaug", a quahaug of a size less than the minimum prescribed in section sixty-nine and useable for planting purposes only.

"Seed scallop", an immature scallop without the annual growth line as described in section seventy.

"Short lobster", any lobster measuring less than prescribed in section forty-four.

"Territorial waters", the same as coastal waters.

"Truckman", any person other than a common carrier, using a truck or other vehicle in distributing fish.

"Wholesale dealer", any person who distributes fish commercially in bulk or for resale by a dealer, or who operates branch stores for the retail sale of fish.

A person who knowingly counsels, aids or assists in a violation of any provision of this chapter or of any rule or regulation made thereunder or knowingly shares in any of the proceeds of said violation by receiving or possessing fish, shall be deemed to have incurred the penalties imposed thereby upon the person guilty of such violation.

Penalty for accessories.

Whenever the taking of fish is authorized, reference is had to taking by lawful means and in a lawful manner.

Any reference to the taking or having in possession of a fish shall include the taking or having in possession of any part or portion thereof.

Application
of chapter
limited to
coastal waters.

This chapter and regulations made thereunder, unless otherwise specifically provided, shall apply only to fish in or taken from and fisheries in coastal waters; but this provision shall not be construed so as to limit the authority of the director to protect anadromous fish by providing for their passage from the coastal waters to spawning grounds in streams and ponds in inland waters and to regulate commercial fisheries therein for the taking of such anadromous fish.

General Provisions.

Licenses, etc.,
not trans-
ferable.

Section 2. Licenses, permits and certificates of registration issued by the director shall not be transferable and shall be produced for examination upon demand of any authorized person.

Suspension
of licenses
in certain
instances.

Unless otherwise specifically provided by law, every license, permit and certificate issued under any provision of this chapter or of any rule or regulation made under authority hereof may, in addition to any other penalty provided, be suspended for cause by the director for one month for a first offence, and for a second or subsequent offence within the period of one year from the date of such first offence shall be void. Each license, certificate or permit so suspended or voided shall be immediately returned by the holder thereof to the director and no fee received therefor shall be refunded to the holder thereof.

Penalty.

Whoever violates any provision of this section or is in any way a party to such violation shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than one month, or both.

Replacement
of lost, etc.,
license.

Fee.

Section 3. Whoever loses or by mistake or accident destroys his license, permit or certificate issued by the director under any provision of this chapter may, upon application to him, and upon payment of a fee of fifty cents, receive a duplicate thereof; provided, that such application is accompanied by an affidavit setting forth the circumstances of said loss.

Director to
keep record of
licenses, etc.
Audit.

Section 4. The director shall make a record, in books kept therefor, of all licenses, permits or certificates issued by him under the authority of this chapter, and shall date each license, permit or certificate as of the date of issue; and except as hereinafter provided no other date shall be placed on such license, permit or certificate. Such books shall be subject at all times to audit and inspection by the state auditor or by the comptroller or by their respective agents.

Nothing herein shall be construed to prohibit the sale of license, permits and certificates during the month of December in any year to be valid for use only on and after

January first next succeeding. Any license, permit or certificate so sold shall have the date of sale endorsed thereon.

Miscellaneous Powers and Duties of Director, Coastal Wardens, etc.

Section 5. The director, coastal wardens, deputy coastal wardens, fish inspectors and members of the state police shall enforce the laws relating to fish. Each coastal warden, deputy coastal warden and fish inspector, when on duty, shall wear and display a metallic badge bearing the seal of the commonwealth and the words coastal warden, deputy coastal warden or fish inspector, as the case may be, and such badge shall also bear a number to be assigned by the director. The director, with the approval of the governor, may in writing authorize any coastal warden, deputy coastal warden or fish inspector to have in his possession and carry a revolver, club, billy, handcuffs, twisters, or any other weapon or article required in the performance of his official duty.

Enforcement of law, by whom.

Identification and equipment of officers.

Section 6. Whoever, not being a coastal warden, deputy coastal warden or fish inspector, impersonates a coastal warden, a deputy coastal warden or fish inspector by wearing any badge described in section five, or in any other way, shall be punished by a fine of not less than ten nor more than fifty dollars, or imprisonment for not more than one year or both.

Impersonating coastal warden, etc.

Penalty.

Section 7. The director, coastal wardens, deputy coastal wardens and fish inspectors may, in the performance of their duties, enter upon and pass through or over private lands or property whether or not covered by water.

Officers, etc., may enter upon, etc., private land.

Section 8. The director, coastal wardens, deputy coastal wardens and fish inspectors shall have and exercise throughout the commonwealth, for the enforcement of the laws relating to fish and marine fisheries, all the powers of constables, except the service of civil process, of shellfish constables and of police officers.

Powers of enforcement officers.

Section 9. The director, a coastal warden, a deputy coastal warden, a fish inspector or a member of the state police may, without a warrant, search any boat, vessel, fish car, bag, box, locker, package, crate, any building other than a dwelling house, any motor vehicle as defined in section one of chapter ninety, or other vehicle, or any other personal property in which he has reasonable cause to believe, and does believe, that fish taken, held, kept, possessed, transported or held for transportation or sale in violation of law, may be found, and may seize any such fish there found, and may seize any boat, vessel, fish car, bag, box, locker, package, crate, any motor vehicle as defined in section one of chapter ninety, or other vehicle, or any other personal property used in a violation of the laws relative to marine fisheries and hold the same for forfeiture.

May search without warrant, when.

Powers of
arrest.

Issuance of
search war-
rant upon
complaint.

Search and
seizure of
fish under
warrant.

Forfeiture of
fish unlaw-
fully taken,
etc.

Any such person or officer may arrest without a warrant any person found violating any provision of this chapter or of any ordinance, rule or regulation made under authority thereof, or any other provision of law relative to marine fisheries.

Section 10. A court or official authorized to issue warrants in criminal cases shall, upon a sworn complaint that the complainant believes that any fish unlawfully taken or possessed are concealed in any boat, vehicle, fish car, box, locker, crate, package, building or other particular place, other than a dwelling house, within its or his jurisdiction, if satisfied that there is reasonable cause for such belief, issue a warrant to search therefor. The warrant shall designate and describe the place to be searched and the articles for which search is to be made and, if possible, the person by whom the articles are believed to be owned, kept or possessed, and shall be directed to any officer named in section eleven commanding him to search the place where the fish for which he is required to search are believed to be concealed, and to seize such fish.

Section 11. The director, a coastal warden, a deputy coastal warden, a fish inspector, or any member of the state police to whom a warrant issued under section ten is committed shall search the place described in the warrant and seize the fish therein described, and such fish, if unlawfully taken or held, shall be forfeited; provided, that this and section twelve shall not apply to fish passing through the commonwealth under authority of the laws of the United States.

Section 12. All fish unlawfully taken, held, possessed or dealt with contrary to any provision of this chapter or of any rule or regulation made under authority thereof, and all boats, vehicles and apparatus used therein, may, in addition to any or all of the penalties contained therein, be seized, libelled and forfeited to the commonwealth.

Whenever seizure and confiscation or forfeiture is provided by any provision of this chapter, unless another procedure is therein indicated such confiscation or forfeiture shall be according to the provisions of chapter two hundred and fifty-seven. Fish so seized except shellfish apparently taken from an area determined under section seventy-four or corresponding provisions of earlier laws to be contaminated, and except fish seized under the provisions of section eighty-nine, may be so libelled or, at the discretion of the director, be disposed of by him for the best interests of the commonwealth, or, in the alternative, be sold at private sale or public auction, and the net proceeds of such sale may be libelled in the same manner and with the same effect as if such proceeds were the property itself, unless the person named in the warrant or some person in his behalf shall before the commencement of such libel or sale request that the fish be preserved until final action is had thereon. Shellfish apparently taken from an area determined to be contaminated as aforesaid, and fish seized under the provisions of section

eighty-nine, shall be disposed of by the director in such manner as will prevent the use thereof as food.

Section 13. The director, a coastal warden, a deputy coastal warden, a fish inspector, or any member of the state police may request any person whom he has cause to believe is engaged in unlawfully fishing, or to be unlawfully in possession of fish, or to be in possession of fish unlawfully taken, to forthwith display for inspection all fish then in his possession, and may arrest without warrant a person refusing or failing to comply with such request.

Refusal to display fish to officer.

Whoever, being in a boat in coastal waters throws or dumps overboard the contents of any pail, bag, barrel or other receptacle, or throws overboard any fish, after having been requested or signalled by any officer authorized to enforce this section to stand by for inspection shall be deemed to have violated this section.

Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than twenty-five dollars.

Penalty.

Section 14. Actions and prosecutions under the laws relative to fish or marine fisheries shall, unless otherwise expressly provided, be commenced within one year after the time when the cause of action accrued or the offence was committed.

Limitation of actions.

Section 15. All fines, penalties and forfeitures recovered in prosecutions under the laws relative to fish or marine fisheries shall be equally divided between the county where such prosecution is made and the city or town where the offence is committed; provided, that if the prosecuting officer is a coastal warden, fish inspector or member of the state police receiving compensation from the commonwealth, or a deputy coastal warden such fines, penalties and forfeitures shall be paid to the commonwealth.

Division of fines, etc., how made.

Section 16. Any occupation under this chapter of tide waters, or any work done therein, shall be subject to the pertinent provisions of chapter ninety-one.

Occupation of tide waters, etc.

Section 17. The director may

Powers of director.

(1) Destroy from time to time license books and stubs, licenses, permits, certificates of registration and blanks relative thereto, after the same have been properly audited by the state auditor, and such other documents as the director deems advisable after the same have been noted on the official records;

(2) Take, or in writing authorize his agents to take fish at any time or in any manner for purposes connected with propagation or scientific observation;

(3) Investigate questions relating to fish and personally or by assistants, institute and conduct inquiries pertaining to such questions, and conduct such biological research as will, in his opinion, tend to conserve, improve and increase the supply of fish in the coastal waters;

(4) Aid in the promotion and development of the commercial fishing industry; investigate improved methods of

marketing and distributing commercial fish products within the commonwealth; and establish standards and design labels for the identification of commercial fish products processed, prepared or packed for distribution and for retail sales;

(5) Arrange for lectures and may issue for general distribution such publications as he considers best adapted to promote the interests of commercial fisheries;

(6) Establish and maintain properties at such places within the commonwealth as he may select for the purpose of propagating, rearing and protecting fish;

(7) Occupy, use and control not exceeding ten ponds and estuaries, creeks or other arms of the sea, within the coastal waters, and the necessary land thereto adjoining, for the propagation and distribution of fish frequenting the coastal waters and for the scientific investigation of their habits, if such occupation and use do not impair the private rights of any person or materially obstruct any navigable waters. Notice of such occupation and use and the purpose thereof shall be conspicuously posted by the director at the nearest points to said ponds and estuaries, creeks or other arms of the sea, and shall be recorded in the registry of deeds in the county or district where they are situated.

Unlawful entry upon premises, etc., used for scientific experiments.

Penalty.

Section 18. Whoever without right enters in or upon any building or other structure or any area of land, flats or water, set apart and used by or under authority of the director for conducting scientific experiments or investigations or for propagation or protection of fish, or whoever contrary to regulations fishes in waters so set apart and used after the director has caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position upon any such building or other structure or adjacent to any such area of land, flats or water, and whoever injures or defaces any such building or other structure or any notice posted as aforesaid, or injures or destroys any property used in such experiments or investigations or for such purposes, or otherwise interferes therewith, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months.

Removal of illegal obstructions, etc., to spawning grounds.

Maintenance and construction of fishways.

Land takings and damages therefor.

Penalty.

Section 19. For the purpose of providing suitable passage for salt water fish coming into fresh water to spawn, the director or some person thereunto authorized by him in writing, may (1) seize and remove, summarily if need be, at the expense of the owner using and maintaining the same, all illegal obstructions, except dams, mills or machinery, to the passage of such fish, (2) examine all dams and other obstructions to such passage in brooks, rivers and streams, the waters of which flow into coastal water, where in his judgment fishways are needed, and (3) shall determine whether existing fishways, if any, are suitable and sufficient for the passage of such fish in such brooks, rivers and streams or whether a new fishway is needed for the passage of fish

over such dam or obstruction; and he shall prescribe by written order what changes or repairs, if any, shall be made therein, and where, how and when a new fishway shall be built, and at what times the same shall be kept open and shall serve a copy of such order upon the person maintaining the dam or other obstruction. A certificate of the director that service has been so made shall be sufficient proof thereof. The supreme judicial or superior court shall, on petition of the director, have jurisdiction in equity or otherwise to enforce any such order and to restrain any violation thereof.

Before the director makes any such order for the construction of a new fishway, as provided in this section, upon any stream or portion of a stream not in coastal waters, he shall in writing notify the director of the division of fisheries and game of such proposed order, together with plans for such proposed construction, and said last mentioned director shall within ten days after receiving such notice, if he desires to object to such construction, in writing request a hearing before the commissioner, whose decision on the matter shall be final.

If the owner of such dam or obstruction refuses or neglects to repair or construct a fishway after written order therefor has been received from the director, the director may after such time as he may deem sufficient enter with workmen and material upon the premises of such person required to construct or maintain such fishway and may at the expense of the commonwealth, if in his opinion such person is unable to afford such expense, otherwise at the expense of such person, improve an existing fishway or cause one to be constructed if none exists and may, if necessary, for such purpose, take, by due process of law, the land of any other person who is not obliged by law to maintain such fishway. If a fishway has been constructed in accordance with an order of the director as provided in this section no alteration thereof shall be required within a period of five years after such construction.

All damages caused by taking land hereunder shall, upon the application of any party in interest, be recovered from the commonwealth under chapter seventy-nine. The amount so recovered shall be a charge against the person required by law to construct and maintain such fishway and shall be recovered in contract in the name of the commonwealth, with costs and with interest at the rate of six per cent per annum.

Any person maintaining any such dam or obstruction who refuses or neglects to keep open or maintain a fishway at the times prescribed by the director shall be fined fifty dollars for each day or part thereof of such refusal or neglect.

The director shall determine all matters relating to the operation and maintenance of all fishways constructed for the passage of anadromous fish, including the time and method of opening and closing thereof, in such manner as will, in his opinion, give adequate protection to such fish

passing to or from the coastal waters, and shall prescribe the same by written order. For the protection of any such fishway and the fish using the same, he may set aside a certain area adjacent to the fishway and may prohibit all persons from fishing or entering, or both, within such boundaries by posting notices thereon to that effect, giving a description of the bounds thereof: provided, that the area so set aside shall not extend for a distance of more than one hundred yards from any such fishway; and provided, further, that the prohibition of entrance into such area shall not deny to the owner or other lawful occupant of the property on which the fishway is built or maintained the right of reasonable access to or passage through such area for the necessary care of such property; and provided, further, that such closing and prohibition shall not interfere with the lawful operation of any special fishery established therein. Whoever violates any provision of this section, or of any order of the director under authority thereof, or hinders the passage of fish through such fishways, or molests or disturbs the fish therein, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days, or both.

Director to assist, etc., in increasing supply of shellfish and exterminating the enemies thereof.

Section 20. The director shall assist and co-operate with coastal cities and towns for the purpose of increasing the supply of shellfish and exterminating the enemies thereof within their borders, and for this purpose may expend such sums as may be appropriated therefor. The expenditure of any funds so appropriated shall be apportioned by the director among said coastal cities and towns in such amounts as will, in his opinion, effect the greatest amount of relief and assistance to the shellfish industry; provided, that no money shall be expended hereunder in any such city or town for the purpose of such relief or assistance unless such city or town, within one year prior to the date of such expenditure, shall have expended an amount equal to at least one fourth of the total cost of such work, or shall have contributed services or material of a value, as determined by the director, equal to such proportion. The work of increasing the supply of shellfish and exterminating the enemies thereof in coastal cities and towns aided hereunder shall be done and expenditures therefor shall be made in such manner as the director may determine and in accordance with rules and regulations which the director shall make with respect thereto, which rules and regulations he is hereby authorized to make and enforce.

Director to keep statistics, etc., on marine fisheries.

Section 21. The director shall devise a system of statistical information useful to the marine fish industries of the commonwealth and shall compile information obtained thereunder. He may require for such purpose the attendance of witnesses and the production of books and documents, and may examine witnesses on oath; and such witnesses shall be paid the same fees as in civil actions in the courts. He shall prepare from time to time and distribute bulletins and reports embodying statistical and other information relative

to marine fisheries. He shall also assist and co-operate with local authorities in the promulgation of rules and regulations for the protection and conservation of fish.

Pollution of Coastal Waters.

Section 22. If the director determines that any marine fisheries of the commonwealth are of sufficient value to warrant the prohibition or regulation of the discharge or escape of sawdust, shavings, garbage, ashes, acids, oil, sewage, dye-stuffs, or other waste material from any sawmill, manufacturing or mechanical plant, or dwelling house, stable or other building, which may, directly or indirectly, materially injure such fisheries, he shall by a written order sent by mail to or served upon the owner or tenant thereof prohibit or regulate the discharge or escape therefrom of any or all such injurious substances into the coastal waters. Such order shall take effect in ten days after its date and may be revoked or modified by the director at any time. Before any such order is made the director shall, after reasonable notice to all parties in interest, give a public hearing in the county where the sawmill, manufacturing or mechanical plant, dwelling house, stable or other building to be affected by the order is located, at which hearing any person shall be heard. Upon petition of any party aggrieved by such order, filed within six months after its date, the superior court may, in equity, after such notice as it deems sufficient, hear all interested parties, and annul, alter or affirm the order. If such petition is filed by the party aggrieved within ten days after the date of said order, said order shall not take effect, unless such petition shall be dismissed, until altered or affirmed as aforesaid. Whoever, in violation of any order of the director, of which such person has had due notice hereunder and which has taken effect, or in violation of any order of said court made hereunder, discharges from such plant or building under his control any of the aforesaid materials, the discharge of which therefrom is forbidden by such order, or suffers or permits the same to be discharged or to escape from such plant or building, into any coastal waters, shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not more than one year or both.

Prohibition
or regulation
of pollution.

Public hear-
ing, etc.

Review in
superior court.

Penalty.

Section 23. Except in case of emergency imperilling life or property or of unavoidable accident, whoever from any sources other than those designated in section twenty-two puts, throws, discharges or suffers or permits to be discharged or to escape into any coastal waters, any oil, or any poisonous or other substance, whether simple, mixed or compound, which may directly or indirectly materially injure the fish, fish spawn or seed therein, or takes any such fish by such means, or whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes any such fish in such waters by such means, or explodes dynamite or other explosive in such waters, shall be punished by a fine

Penalty.

of not less than fifty nor more than five hundred dollars or by imprisonment for not more than one year or both. This section shall not apply to operations of the United States or the commonwealth, or of a political subdivision thereof, nor to operations authorized or permitted thereby, nor to the use of explosives for raising the body of a drowned person.

Double damages for causing damage to fisheries.

Section 24. Whoever, contrary to any provision of section twenty-two or twenty-three, himself, or by his agent or servant, does, or allows or suffers to be done, any act causing damage to the fisheries therein named shall be liable in tort, in twice the amount of damage thereby done, to the city or town wherein such damage occurs on account of any injury to the public fisheries within its limits, and to any person having fishery rights therein on account of any injury to his private fishery rights.

Discharge of sewage regulated.

Section 25. The entrance or discharge into the coastal waters, or the tributaries of such waters, of sewage or any other substance which might be injurious to the public health or might tend to contaminate any shellfish areas or shellfish therein which may be determined by the director to be of commercial value, or injuriously affect the fisheries therein, is hereby prohibited; provided, that this section shall not be deemed to interfere with the exercise of any right of drainage which had been approved by the department of public health prior to January first, nineteen hundred and forty-two, or with any drainage thereafter approved by said department; provided, that before granting such new approval the commissioner of public health shall have consulted with the director as to the value of the marine fisheries involved.

Jurisdiction of courts.

Section 26. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall have jurisdiction in equity to enforce sections twenty-two, twenty-three, twenty-four and twenty-five. Proceedings to enforce the same may be instituted and prosecuted by the attorney general at the request of the commissioner.

Penalty.

Section 27. Whoever, contrary to section twenty-five permits the entrance or discharge into or on any part of said coastal waters, or the tributaries of such waters, of sewage or any other substance injurious to the public health or tending to contaminate any shellfish area or shellfish therein, or injuriously to affect the fisheries therein, shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not more than one year or both and shall be liable in tort, in twice the amount of damage thereby done, to the city or town wherein such damage occurs, on account of any injury to the public fisheries within its limits, and to the owners or lessees of any private rights therein, on account of any injury to their private fishery rights.

Riparian Proprietors.

Section 28. The proprietors of lands upon which a pond is created and maintained by excavating and enclosing the same and by the artificial flowing of same with coastal waters, for the purpose of cultivating and maintaining fish thereon, shall have the exclusive right to cultivate and the exclusive ownership and control of, all fish thereon or therein, whether artificially or naturally propagated; provided, that no fish determined by the director to be injurious may be cultivated or maintained thereon or therein, and that no fish may be taken therefrom of a size, of an age, at a season, or for a purpose, prohibited by law; and provided, further, that before any such excavation shall be made plans for an artificial flowage of the same with coastal waters shall be approved by the director and the department of public works.

Rights of riparian owners protected.

Regulation of Fish Weirs, Nets, Seines, Trawls and Traps.

Section 29. The aldermen or city council of a city or the selectmen of a town lying upon coastal waters may, in writing, and upon blanks, supplied by the director, authorize any person to construct weirs, pound nets or fish traps in tide-water in locations where no harbor lines exist and also in locations beyond established harbor lines, within the limits of such city or town, for a term not exceeding five years, upon such conditions and subject to such regulations as the aldermen, city council or the selectmen may impose; but no authority so given shall be valid unless approved in writing as to location and construction by the department of public works and the director, and subject to such conditions as it and he may impose; nor until such authorization, together with such approval, has been filed with the director.

Construction of weirs, etc., authorized.
Procedure, etc.

Whoever constructs or maintains a weir, pound net or a fish trap in tidewater, without the authority mentioned in this section, shall be punished by a fine of ten dollars for each day or part thereof he maintains such weir, pound net or fish trap; and he may be enjoined therefrom.

Penalty.

Section 30. Any person who constructs or maintains any weir, pound net or fish trap after having received written approval therefor as provided in section twenty-nine shall at all times while such structure is maintained have the same plainly marked with the number of such approval painted or printed on a sign or flag in figures at least six inches in height and conspicuously displayed on the inshore and off-shore ends of such structure. Violation of the provisions of this section shall be punished by a fine of not more than twenty-five dollars.

Weirs, etc., to be marked.

Penalty.

Section 31. Whoever wilfully destroys, injures or molests any weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear set for the taking of fish, or any fish car or other contrivance used for the purpose of storing

Wilful destruction of weirs, etc.
Penalty.

fish, including any such fishing gear which is swept ashore by storm or tide or other natural causes and deposited upon the shore, beaches or flats, whether public or private, or takes fish therefrom without the consent of the owner, shall be punished by a fine of not less than one hundred nor more than three hundred dollars or by imprisonment for two months, or both.

Recovery of
lost fishing
gear.

Section 32. The owner of any fishing gear mentioned in section thirty-one which is swept ashore by storm or tide or other natural causes and deposited upon the shore, beaches or flats, whether public or private, may recover the same within three days from the time of such deposit without liability for trespass; provided, that such owner in so doing does not commit any unreasonable or wanton injury to the property whereupon such fishing gear is deposited. In the event such fishing gear shall not be so recovered within such period it shall enure to the riparian owner of such shore, beach or flat in the manner provided in chapter one hundred and thirty-four.

Annual Reports of Catches.

Annual reports
of catches to
be made.
Penalty for
failure.

Section 33. The owner of every boat, and the owner of every pound net, fish trap, weir, fyke net or similar contrivance, fishing pier, seine, drag or gill net, lobster or crab pot or trap or other fishing gear, hereinafter referred to as devices, used in the coastal waters for fishing purposes, and every licensee under section thirty-eight shall annually, between October first and twentieth, make a written report, on oath, to the director, of the number of pounds and the value of each kind of edible fish caught by him with such boat or such devices and the number of lobsters and edible crabs taken by him in pots or traps for the twelve months ending on the preceding September thirtieth, and the number and value of the devices, if any, used in such catching or taking, and the number of persons, if any, employed therein; and for such purpose the director shall annually, on or before March fifteenth, provide him, upon his application, with suitable blank forms for such reports, so arranged that each month's catch may be separately recorded thereon; and, in filling out such reports, such owner shall give, so far as practicable, the above required results of each month's fishing. In lieu of said annual report the director may require such owner to submit a monthly report of such facts listed herein as the director may deem advisable. Such owner shall apply to the director for such blank forms. The owner of any fish cars or other contrivances used for keeping fish, lobsters or edible crabs shall have his name and residence legibly marked thereon. The license, permit or certificate of any person to take such fish, lobsters or edible crabs who refuses, or knowingly or wilfully neglects to make the report required hereby or knowingly or wilfully makes a false report shall be suspended and he shall not receive a new license, certificate or permit until such report is made.

Whoever knowingly and wilfully violates any provision of this section shall be punished by a fine of not less than ten nor more than one hundred dollars.

Smelt.

Section 34. Whoever, between March fifteenth and the following June fifteenth, catches or takes any smelt from the waters of the commonwealth, or whoever buys, receives, sells or offers or exposes for sale, transports or has in his possession a smelt so taken, shall for a first offence be punished by a fine of one dollar for every such smelt or by imprisonment for not more than six months and for a subsequent offence by both said fine and imprisonment. Any wholesale or retail dealer who sells, offers or exposes for sale or has in his possession any smelt between the said dates must have in his possession a tag or bill of lading or other paper showing that such smelt was taken from waters outside the commonwealth, and the possession of a smelt between said dates by a person other than a wholesale or retail dealer holding such a certificate shall be prima facie evidence of violation of this section.

Close season
on smelt.
Penalty.

Section 35. Whoever takes or attempts to take a smelt in any other manner than by angling shall be punished by a fine of not less than ten nor more than fifty dollars and shall in addition thereto forfeit one dollar for each smelt if any so taken, but this section shall not apply to smelt inadvertently taken in a seine or net during the time and in the manner in which fishing is allowed for perch, herring or alewives; provided, that such smelt so taken shall be immediately liberated alive in the waters from which taken.

Smelt to be
taken only
by angling.
Penalty.

Possession of any net, seine, trap or device for catching fish, other than a naturally or artificially baited hook, in or upon the harbors, rivers or tributaries of the commonwealth, or on the banks of the same, if adapted to and apparently intended for the present catching of smelt, shall be prima facie evidence of a violation of this section and the possession in or upon said harbors, rivers or tributaries, or on the banks of the same, of any fresh smelt, between sunset and sunrise, or under other circumstances reasonably indicating the catching of the same otherwise than by angling, shall be prima facie evidence that said smelt were caught or intended to be caught contrary to such provisions by the person in whose possession they are found.

Section 36. For the purpose of protecting smelt and their spawn the director may close such portions of streams flowing into the coastal waters during the spawning season of such fish as he may deem necessary and may forbid the entrance into such portions of said streams by posting on or near such closed areas notices of such closing, giving the bounds thereof; provided however, that such closing and such prohibition of entrance shall not be for a period longer

Protection of
smelt during
spawning
season.
Penalty.

than sixty days in any one year. Whoever violates the provisions of this section or molests or disturbs smelt or their spawn within such closed areas shall be punished by a fine of not less than ten nor more than fifty dollars or imprisonment for not more than thirty days, or both.

Lobsters, etc.

Section 37. No person, either as principal, agent or employee, shall at any time catch lobsters or edible crabs in, or take them from, the coastal waters or place, set, keep, maintain, supervise, lift, raise or draw in or from the said waters, or cause to be placed, set, kept, maintained, supervised, lifted, raised or drawn in or from the said waters, any pot, trap or other contrivance designed for, or adapted to, the taking of lobsters or edible crabs, unless licensed so to do under section thirty-eight.

In Dukes county no such pot, trap or other contrivance shall be buoyed otherwise than separately and plainly.

Violation of any provision of this section shall be punished by a fine of not less than ten nor more than twenty-five dollars or imprisonment for one month, or both. Nothing in this section or section thirty-eight shall be construed to prohibit or regulate the taking of crabs other than edible crabs solely for bait purposes, or for the taking of edible crabs for use of one's immediate family; provided, that the number of such edible crabs so taken by any one person shall not exceed fifty in one day and such edible crabs shall not be taken by pots or traps.

Section 38. The director, upon application of any person eligible for a license hereinafter referred to, and upon the payment of a fee of five dollars, shall grant a license to catch or take both lobsters and edible crabs from the coastal waters of the county for which application has been made; provided, that any such license granted to any person to fish in either Norfolk or Plymouth counties, shall also authorize such catching or taking from the waters of either of said counties. Except as hereinafter provided, such licenses to catch or take both lobsters and edible crabs shall be granted only to individuals who are citizens of the commonwealth and who have resided therein for at least one year next preceding the date of such license, but no such license shall be issued to a minor under seventeen years of age except with the written consent of his parent, guardian or custodian and at the discretion of the director. The director may grant such a license to catch or take both lobsters and edible crabs to any individual who is an alien and who resides in the county for which the application is made; provided, that such alien resided in said county, and was actually engaged in lobster fishing in the coastal waters thereof, for five years next preceding December first, nineteen hundred and twenty. A non-resident citizen of the United States, temporarily residing or intending temporarily to reside in

Licenses
necessary for
catching lob-
sters or crabs.

Penalty.

Application
of section
limited.

Issuance of
licenses, re-
quirements for.
Fee.

any coastal city or town may in any year, upon payment of the fee required by this section, obtain a license to take lobsters or edible crabs during June, July, August and September of such year, for consumption only by the licensee and his family who are so residing. Licenses hereunder, except those granted to non-resident citizens of the United States, shall expire on December thirty-first next succeeding the granting of the same unless sooner made void as provided in this chapter. Each applicant for a license under this section shall state the color scheme or other special markings of the buoys desired to be used by him, which, if approved by the director, shall be set forth in his license, and all buoys used by him shall be marked accordingly, and all buoys, pots, traps, and lobster cars used by him shall be marked with the licensee's initials or name or the number assigned to him by the director, which shall be branded or cut into the surface thereof. A licensee under this section shall at all times, while acting in pursuance of his license, exhibit it upon the demand of any officer qualified to serve criminal process, and upon failure so to do shall be punished by a fine of five dollars. The director shall state in his annual report the number of licenses granted under this section.

Section 39. No person shall tend, lift, raise or draw a lobster or crab pot or trap, or take lobsters or edible crabs from such a pot or trap, except during the period from one half hour before sunrise until one half hour after sunset, except that traps may be taken up by the owner or by his employee or agent, if licensed under section thirty-eight, at any time when they are endangered by storms, and except that the director, a coastal warden or deputy may at any time lift, raise or draw such pot or trap with its contents, if any, for the purpose of inspection provided in this chapter. Violation of the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Time for catching lobsters and crabs limited.

Penalty.

Section 40. No person, either as principal, agent or employee, shall; between January first and the following March thirty-first, both dates inclusive, take or catch edible crabs, by the use of traps or otherwise, from any of the coastal waters. Violation of the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Close season on edible crabs.

Penalty.

Section 41. Whoever takes, sells or has in possession any female lobster bearing eggs or any female edible crab shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not less than one nor more than three months; but a person who takes any such lobster or crab and immediately returns it alive to the waters from which it was taken shall not be subject to such penalty. This section shall not apply to lobsters spawning in fish cars or pounds if they are immediately liberated alive in the coastal waters, nor to the taking, sale or possession of lobsters as provided in section forty-three.

Female lobsters bearing eggs.

Penalty.

Plants for
propagation
of lobsters.

Section 42. The director shall, to the extent of appropriation or appropriations therefor, establish and maintain a plant or plants for the propagation of lobsters by rearing them from the time of hatching to the bottom crawling stages. Lobsters from which the eggs are to be obtained for such hatching and rearing shall be taken and disposed of in accordance with section forty-three. The commissioner, in his biennial budget estimates, filed pursuant to section three of chapter twenty-nine, shall include a statement of appropriation or appropriations recommended by him for the purpose of carrying this section into effect.

When egg-
bearing lobsters
may be taken.
Penalty.

Section 43. Between March first and October thirty-first, both dates inclusive, in any year, the director may authorize the taking, sale or possession of egg-bearing lobsters by any person licensed under section thirty-eight to catch or take lobsters and edible crabs, upon the condition that such egg-bearing lobsters (1) shall be taken, held or delivered in accordance with the instructions of the director to a plant for the propagation of lobsters established and maintained for rearing them from the time of hatching to the bottom crawling stages or to a federal plant maintained within the commonwealth for the same purpose, (2) or shall be otherwise disposed of as the director may deem for the best interests of the commonwealth, and persons taking such egg-bearing lobsters under such authority shall be paid by the director to the extent of the appropriation or appropriations therefor but at a rate not above the wholesale market price of other lobsters. Before any such egg-bearing lobster is so disposed of by liberating, it shall be marked by the director or his authorized agent by punching a double V notch in any except the middle flipper of its tail. Any person having in possession any such lobster so marked or any lobster mutilated in such manner as to hide or obliterate such mark, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than thirty days, or both; but any person catching any such lobster so marked or mutilated and immediately returning the same to the waters from which taken shall not be deemed to have violated the foregoing provisions of this section. If the eggs from the lobsters so obtained shall be hatched the young therefrom shall be reared to the bottom crawling stages. Lobsters from which eggs have been so hatched, and the young lobsters so reared, shall be liberated, as nearly as possible, in the areas from which such egg-bearing lobsters were obtained and in the same proportion. Nothing in this section shall be so construed as to prevent the director from otherwise disposing of lobsters from which eggs have been so removed, or young lobsters so reared, when in the opinion of the director by so doing depleted or non-productive areas may be benefited. The commissioner in his biennial budget estimates, filed pursuant to section three of chapter twenty-nine, shall include a statement of appropriation or appro-

priations recommended by him for the purpose of carrying this section into effect.

Section 44. Whoever sells, or offers for sale, or has in possession for a period longer than is necessary for measuring or for any purpose other than legally disposing of the same, a lobster measuring less than three and one eighth inches in length, alive or dead, cooked or uncooked, measured from the rear of either eye socket along a line parallel to the center line of the body shell to the rear end of the body shell, shall be punished by a fine of not less than five nor more than ten dollars for every such lobster, and such lobster shall be seized and forfeited, and shall be disposed of by the director to the best interests of the commonwealth; and in all prosecutions under this section any mutilation of any lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is less than the required length. This section shall not apply to common carriers having lobsters in possession for the purpose of transportation.

Sale, etc., of short lobsters prohibited.
Penalty.

Section 45. Whoever cooks, buys, sells, offers or exposes for sale, gives away, or knowingly delivers, transports, ships, or receives for food purposes any lobster, or similar species of crustacea, or any part thereof, which is uncooked and dead, or which was cooked after it was dead shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not less than ten nor more than sixty days, or both.

Use of dead lobsters regulated.
Penalty.

Section 46. No person shall buy, sell, expose for sale, give away, deliver, transport, ship, carry or have in his possession any lobster meat or crab meat after the same has been taken from the shell, except as hereinafter provided. Any lobster meat or crab meat unlawfully sold, given away, shipped, bought, transported or possessed shall be liable to seizure and may be confiscated. The foregoing shall not apply to such lobster meat or crab meat in the possession of a common carrier for transportation and which is marked as provided in section forty-seven or of which it has no notice; nor to canned lobster meat or crab meat when certified, to the satisfaction of the department of public health, by the board of health or a body having similar powers of the municipality or other governmental unit, where canned, to have been in suitable condition for human consumption when canned, and to have been canned under healthful conditions, and so as to insure the continuance, until use, of such condition; nor to such meat sold for food by a licensed victualler if such meat has been obtained from a dealer holding permit as hereinafter provided; nor to such meat removed from the shell on the premises where it is to be eaten; nor to such meat removed from the shell by a wholesale or retail dealer in lobster, or edible crabs, at his regular place of business therefor if said dealer has a written permit from the director for the sale and delivery of such lobster or crab

Sale, etc., of lobster and crab meat regulated.
Permit.
Fee.

meat and if such meat is so removed or sold under such conditions and regulations as the director may prescribe, and if the premises where such meat is so removed or sold are at all reasonable times open to the inspection of the director, coastal wardens, deputy coastal wardens and fish inspectors. No permit shall be required for the resale of such meat so long as it remains in the original unbroken package; provided that such package is clearly labeled with the name of the permittee together with the words "lobster meat removed under permit No. ", followed by the number of the permit under which said lobster meat was removed. Such a permit may be granted upon written application to the director and the payment of a fee of ten dollars, shall expire on December thirty-first next succeeding the date of issue, and may be revoked by the director for the violation by the holder thereof of any provision of this chapter. No rule or regulation as to sanitary conditions made by the director under authority of this section shall be effective until approved by the department of public health.

Barrels, etc.,
to be marked
"Lobsters"
or "Lobster
Meat."

Section 47. All barrels, boxes or other containers containing lobsters, or lobster meat after the same has been taken from the shell, shall, before being delivered to any carrier, be marked by the shipper in a plain and legible manner on the outside thereof "Lobsters" or "Lobster Meat", as the case may be, in capital letters at least one inch in length, together with the full name and address of the shipper, and, in the case of such lobster meat, also with the words, "removed under permit No. ", followed by the number of the permit under which the same was taken from the shell; and, unless in barrels, boxes or other containers so marked, no lobster or lobster meat shall be transported. Any such barrels, boxes or other containers delivered to or transported by any carrier without being marked as above required, and the lobsters or lobster meat therein, shall be seized and forfeited. Violation of any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars. This section and section forty-nine shall not apply to lobsters or lobster meat passing through the commonwealth under authority of the laws of the United States.

Penalty.

Disposal
of lobsters,
etc., seized
in unmarked
containers.

Section 48. In case of seizure by any duly authorized officer of any lobsters or lobster meat contained in any barrel, box or other container which is not marked as provided in section forty-seven, or of any lobster measuring less than the length prescribed by section forty-four, such lobsters as are alive and measure less than such prescribed length shall be liberated by the director, and all other such lobsters and all such lobster meat found in such barrel, box or other container shall be held and disposed of as provided in section fifty.

Liability of
carrier.
Penalty.

Section 49. Any carrier who knowingly receives or carries from place to place any lobster or lobster meat in barrels, boxes or other containers not marked as provided in section

forty-seven shall be punished by a fine of not more than fifty dollars.

Section 50. When any lobster or lobster meat is seized for the violation of any provision of section forty-seven, the officer making the seizure shall immediately notify the shipper thereof, if known, and shall proceed to enforce the forfeiture of such lobsters as he is not required to liberate, or of such lobster meat, in accordance with section twelve.

Forfeiture
or liberation
of seized
lobsters, etc.

Section 51. No person shall sell, or represent for the purpose of sale, any lobster as a native lobster unless the same shall have been originally caught or taken in the coastal waters; nor shall any person so sell, or represent for the purpose of sale, any crustacean as a lobster unless the same is of the species known as *Homarus americanus*; nor shall any person so sell, or represent for the purpose of sale, any meat as lobster meat unless such meat is wholly from crustaceans of such species. Violation of any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Sale of native
lobsters
regulated.

Penalty.

Local Control of Shellfisheries.

Section 52. The selectmen of a town bordering upon coastal waters, if so authorized by their town, and the board of aldermen or the city council of any city so situated may control, regulate or prohibit the taking of eels and any or all kinds of shellfish and sea worms within such cities and towns and may, from time to time, without other or special authority therefor, make any regulations not contrary to law in regard to said fisheries as they deem expedient, including the times, places, methods, purposes, uses, sizes, quantities and any other particulars of such taking, and may grant permits, and establish the fees therefor, subject to any such regulation, then or thereafter in force. Any such authorizations to said selectmen hereunder shall continue in force until subsequent action of such town shall repeal the same. Any regulations made under authority of this section shall continue in force until the board of aldermen, city council, or selectmen, as the case may be, shall alter, amend, rescind or repeal the same, or the authority of the selectmen to make and enforce such regulation shall be repealed.

Cities and
towns may
regulate tak-
ing of shell-
fish, etc.

Procedure,
publication
of regula-
tions, etc.

Any regulations made hereunder shall take effect as therein stated, shall be published by posting a copy of the same in the office of the aldermen, city council or selectmen making the same, and in the office of the city or town clerk, and in three or more public places in said city or town, or by publishing the same once in a newspaper, if any, published in said city or town, and by sending a certified copy thereof to the director, twenty-four hours at least before the time set for the same to take effect; provided that the director may, if he deems it necessary for the protection of shellfish in emergency, authorize the making of such regulations effective immediately, in which case publication shall be made within forty-

eight hours after the same shall take effect. The records of the aldermen, city council or selectmen, as to the contents of the regulations, and the method and time of publication thereof, or a copy thereof attested by their secretary, shall be prima facie evidence of such facts therein stated. The records of the town as to the instructions to the selectmen, or a copy thereof attested by the town clerk, shall be prima facie evidence of such instructions.

If any city or town bordering on the coastal waters neglects or refuses to take the control of the shellfish, sea worms or eels within its boundaries as provided in this section, such control shall be temporarily exercised by the director for the benefit of such city or town and such authority shall continue until such time as the aldermen or city council of such city or the selectmen under authority of a vote of such town shall take over such control. Nothing in this paragraph shall be construed as authorizing the director to take control of or exercise the authority provided in this section over the taking of clams from any areas leased from the commonwealth by cities or towns in Essex county as provided in chapter seven hundred and ten of the acts of nineteen hundred and twelve and amendments thereto nor shall such authority extend to the issuance of private shellfish grants as provided in section fifty-seven.

Every city or town which exercises the authority over such coastal fisheries as provided in this section shall set aside an area or areas not then in private control or under municipal cultivation in which the commercial taking of shellfish shall be prohibited and from which shellfish may be taken, for his own family use, by any inhabitant of the commonwealth holding a permit therefor from such city or town. Such permit shall not allow the taking of shellfish of a size at a season prohibited by law and the amount therefor taken for any family shall not exceed in any one week, one bushel of any or all kinds of shellfish, but the councilmen or selectmen, as the case may be, may, with the approval of the director, reduce the maximum amount of any or all of such shellfish taken for such purpose.

Nothing in this section shall be construed to authorize the aldermen, city council, or selectmen to exercise any authority hereunder in areas declared under section seventy-four or under corresponding provisions of earlier laws to be contaminated unless such action is approved in writing by the director.

Section 53. All permits issued under section fifty-two shall be issued in the name of the body authorizing the issuing of the same; but, under a vote of such body, any such permit shall be valid if issued bearing the signature of any one member thereof, or of the city or town clerk. A record of the name, residence and address of every person to whom such a permit is issued, with any special details relating to such permit, shall be entered by the officer issuing the same in a book kept in his office for that purpose.

Section 54. Cities by a vote of the board of aldermen, or city council, and towns by a vote at a town meeting, may appropriate money for the cultivation, propagation and protection of shellfish. The board of aldermen, or city council, or selectmen when so authorized by their town may from time to time declare a close season for any or all kinds of shellfish for not more than three years in such waters, flats or creeks, not then the subject of a private grant, within the limits of their respective cities and towns, as they deem proper, and may plant, grow and protect shellfish in such waters, flats or creeks; provided, that no private rights are impaired; and provided, further, that when any close season, declared as aforesaid, shall have ended, such flats, waters or creeks shall not within two years thereafter be licensed for the private cultivation of shellfish.

Appropriations by cities and towns for cultivation, etc., of shellfish.

Section 55. No permit for the taking of shellfish for commercial purposes shall be issued by the aldermen or councilmen of any city or the selectmen of any town to an alien unless he has resided in such city or town for at least five years next preceding the date of his application therefor, or has been a resident of the county in which such city or town lies for at least five years next preceding the date of such application and has taken shellfish commercially therefrom for such period.

Permits to aliens, when granted.

Section 56. Whenever under the authority of any law two or more municipalities have joint property in, or the right of joint control of, any marine fisheries referred to in section fifty-two, the board of aldermen or city council of the city, or the selectmen of the town if so authorized by the town, in which such fisheries lie may exclusively exercise all the rights, privileges and authority conferred by said section with respect to such fisheries, make appropriations therefor as provided in section fifty-four and exercise such other control, privileges and responsibilities as are granted in other sections of this chapter pertinent thereto, as though such joint control or property did not exist; provided that in the exercise of such rights, privileges, responsibilities and authority such board of aldermen, city council or selectmen shall grant to the citizens of such other municipalities the same rights and privileges as are granted to the citizens of their city or town.

Joint control of marine fisheries regulated.

Private Shellfish Grants.

Section 57. The aldermen or city council of any city, or the selectmen of any town when so authorized by their town may, upon written application therefor and after public notice and hearing thereon as provided in section sixty, grant to any person who for at least one year immediately prior to his application has been a registered voter in such city or town, to a firm composed entirely of such persons thereof, or to a corporation the entire capital stock of which is owned by such persons, a license for a period not exceed-

Private shellfish grants authorized.
License, etc.

ing five years to plant, grow, dig and take shellfish and to plant shells for the purpose of catching shellfish seed, in such city or town at all times of the year, upon, in or from any waters, flats or creeks below mean high water mark within such city or town at any place where, in the opinion of the aldermen, city council or selectmen, there is no substantial natural shellfish bed, and within the limits specified in the license, except on areas then or within two years prior thereto closed for municipal cultivation under the provisions of section fifty-four. Licenses under this section shall be issued upon forms supplied by such cities and towns and upon such terms and conditions and subject to such regulations as the aldermen, city council or selectmen issuing the same shall deem proper, but not so as to impair the private rights of any person or to materially obstruct navigable waters, and they shall describe by metes and bounds the waters, flats or creeks covered thereby.

Nothing in this section shall be deemed to affect the validity, conditions, or term of any license granted under corresponding provisions of earlier laws and in full force upon the effective date of this section.

Transfer of
licenses.

Section 58. Any license granted under section fifty-seven or corresponding provisions of earlier laws may be transferred to any person to whom it might originally have been granted, and, whether or not so transferred, may, within two years before the expiration of its then current term, be renewed for a further term of not exceeding fifteen years from the expiration of the original term. The provisions of this chapter or of corresponding provisions of earlier laws applicable to the original issuance of such license shall, so far as apt, apply to a transfer or a renewal thereof hereunder.

Application
for license.

Section 59. Any person, firm or corporation qualified as provided in section fifty-seven and desiring to obtain a license thereunder shall present to the aldermen or selectmen a written application setting forth the name and residence of the applicant, a reasonably definite description of the desired territory, and a request that the territory be surveyed and a plan thereof made, if the same has not already been done, and that such license be granted to the applicant.

Public hearing
on issuance
of license.

Section 60. No license referred to in section fifty-seven shall be granted, transferred or renewed until after a public hearing, due notice of which has been posted in three or more public places, and published in a newspaper, if any, published in the city or town where the territory described in the application is situated at least ten days before the time fixed for the hearing, stating the name and residence of the applicant or transferee, as the case may be, the date of the filing of the application for such license, transfer or renewal, and the location, area and description of said territory.

Survey of
licensed area.

Section 61. Before granting any such license the aldermen, city council or selectmen shall cause to be made a survey and plan of the territory within which such license is to be granted, and, upon granting any such license, shall with-

out charge locate and mark upon the ground the corners of the licensed premises and shall cause to be marked upon a copy of such plan to be kept in the office of the city or town clerk the territory covered by such license. The licensee upon receiving his license shall cause the territory covered thereby to be plainly marked out by monuments, marks or ranges and by stakes or buoys, with the number of his license painted in figures at least two inches in height in a conspicuous place on each of said stakes or buoys or on flags attached thereto, which shall be maintained by him or his transferee during the term of the license or of any renewal thereof. Failure to place or reasonably to maintain the same shall be sufficient cause for revocation of the license.

Records of
licenses, etc.

Section 62. The aldermen, city council or selectmen shall keep in their offices plans showing all such licensed areas, and, in a book devoted to that purpose only, a record of each license granted and of all transfers or renewals thereof, which shall include the name and residence of the licensee or transferee, the dates of issue, transfer, renewal and expiration thereof, and a copy of the description of the licensed areas as the same appears in the license. Each license, and all transfers or renewals thereof, shall forthwith after the granting or approval thereof be transmitted by the board so granting or approving the same to the city or town clerk, who shall record the same in a book kept especially therefor in his office. The licensee or transferee shall within thirty days after such issue or approval pay to said clerk for each license or renewal issued or transfer approved one dollar for such recording, and for each license issued shall also pay four dollars as reimbursement of said city or town for the cost incurred in making such survey and plan and in granting said license, a record of which payment shall forthwith be entered upon said record by said clerk, and such license, transfer or renewal shall not take effect until said fees are paid and entry thereof made as aforesaid. Said records shall be open to public inspection at all reasonable times. Forms for such license and for the transfer or renewal of the same shall be provided by the aldermen, city council or selectmen at the expense of their city or town.

Trespass on
licensed area,
treble damages.

Section 63. The licensee or transferee, or his legal representatives, shall, for the purposes set forth in section fifty-seven and in accord with the terms set forth in said license, have during the term of the license or of any renewal thereof the exclusive use of the waters, flats or creeks described in the license, and the exclusive right to take all shellfish therefrom during the time therein specified, notwithstanding any regulations made by the aldermen, city council or selectmen of the city or town, subsequent to the issuance of such license or to the renewal thereof, as the case may be; provided, that this section shall not be construed to authorize any taking prohibited by law. The licensee or transferee, or his legal representatives, may in tort recover treble damages of any person who without his or their consent, unless other-

wise authorized by law or by lawful regulation so to do, digs or takes shellfish of any kind, or shells, from such waters, flats or creeks, or disturbs the same thereon, during the continuance of the license or of any renewal thereof.

Fee for
license.

Section 64. Every such licensee or transferee shall pay to the city or town, on or before a date to be fixed by the aldermen, city council or selectmen, an annual fee of not less than one or more than five dollars per acre, or part thereof. If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.

Report of
shellfish taken.

License for-
feited, when.

Section 65. Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before October twentieth in each year to the aldermen, city council or selectmen of the city or town wherein the territory covered by the license is situated a report of the total number of bushels of each kind of shellfish planted, produced or marketed during the preceding year upon or from such territory, and an estimate of the total number of bushels of each kind of shellfish at the time of such report planted or growing thereon; and if the total amount then thereon falls below the market value of twenty-five dollars per acre within the first two years of the term of said license, or below the market value of fifty dollars per acre per year for any three consecutive years thereafter, said value to be determined by the aldermen, councilmen or selectmen by such reasonable method as they deem best, they may declare the license to be forfeited; whereupon the licensed premises, with all shellfish then thereon, shall revert to the city or town wherein situated.

Injury to
marks or
bounds.

Penalty, etc.

Section 66. Whoever wilfully injures, defaces, destroys or removes any mark or bound used to define the extent of any shellfish license or grant, or places any unauthorized mark thereon, or ties or fastens any boat or vessel thereto, shall be punished by a fine of not less than three nor more than twenty dollars and shall be liable in tort for double damages and costs to the licensee or transferee injured by such act.

Unlawful tak-
ing of shellfish
from licensed
premises.

Penalty.

Section 67. Whoever works a dredge, oyster tongs or rakes, or any other implement for the taking of shellfish of any description upon any shellfish grounds or beds covered by a license granted under section fifty-seven or corresponding provisions of earlier laws, or in any way disturbs the growth of the shellfish thereon, or whoever discharges any substance which may directly or indirectly injure the shellfish upon any such grounds or beds, without the consent of the licensee or transferee, as the case may be, or whoever, while upon or sailing over any such grounds or beds, casts, hauls, or has overboard any such dredge, tongs, rake or other implement for the taking of shellfish of any description, under any pretence or for any purpose whatever, without the consent of the licensee or transferee, as the case may be, shall for the first offence be punished by a fine of not more than twenty dollars or by imprisonment for not more than

one month, and for a subsequent offence by a fine of not more than fifty dollars or by imprisonment for not more than six months.

Section 68. No person shall dig, take or carry away any shellfish or shells between one half hour after sunset and one half hour before sunrise, by any method whatever, from any waters, flats or creeks as to which a license under section fifty-seven or corresponding provisions of earlier laws is outstanding. A licensee or transferee of such a license violating this section shall, in addition to all other penalties provided, forfeit his license and the shellfish remaining on the licensed premises.

Taking shellfish from licensed premises at night time penalized.

Whoever violates any provision of this section, or whoever, without the consent of the licensee or transferee, digs or takes any shellfish or shells from any waters, flats or creeks described in any license granted under section fifty-seven, or corresponding provisions of earlier laws, during the continuance of such license or of any renewal thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not less than one nor more than six months, or both.

Certain Shellfish.

Section 69. Whoever takes or has in possession quahaugs or soft-shelled clams less than two inches in longest diameter, hereinafter referred to as seed quahaugs or seed clams, to the amount of more than five per cent of any batch shall be punished by a fine of not less than five nor more than fifty dollars and imprisonment for thirty days; provided, that it shall not be unlawful to take seed quahaugs or seed clams or have the same in possession under authority of a permit therefor, which the director is hereby authorized to grant, for replanting in waters or flats within the commonwealth.

Seed quahaugs and seed clams, penalty for taking, etc.

Section 70. No person shall take from the flats or coastal waters of the commonwealth scallops other than adult scallops, or sell or offer for sale or have in possession such scallops. For the purposes of this section an adult scallop shall be a scallop with a well-defined raised annual growth line, and any scallop without such line shall be deemed a "seed" scallop. Scallops taken from the coastal waters shall immediately be culled when taken, and all scallops other than adult scallops shall forthwith be returned alive to the coastal waters whence taken; but it shall not be unlawful to sell or have in possession scallops other than adult scallops unavoidably left in the catch after it has been culled, to the amount of not more than five per cent of the total catch remaining. All scallops taken in accordance with this section shall be taken ashore in the shell. This and section seventy-one shall not apply to seed and adult scallops carried by storm or tide from the natural beds and deposited on beaches and flats where, in the opinion of the director, they cannot survive, but the taking of said seed scallops and the taking and sale of said adult scallops may be authorized by

Taking of scallops regulated.

him at any season of the year. The director shall promulgate rules and regulations governing the taking and sale of said seed and adult scallops by special permits, which he is empowered to issue without fee, or otherwise so as to prevent the sale of seed scallops at any time, or the sale of adult scallops between April first and the following October first, except as authorized herein. Whoever violates any provision of this section shall be fined not less than ten nor more than fifty dollars and imprisonment for thirty days or both.

Closed season
on scallops.

Penalty.

Section 71. Except as provided in sections seventy and seventy-three, no person shall take scallops between April first and the following October first from the flats or coastal waters of the commonwealth, or buy or sell or have in possession scallops so taken. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars and imprisonment for thirty days or both.

Catch of
scallops
limited.

Penalty.

Section 72. No person shall for any purpose take more than a total of ten bushels of scallops, including shells, in one day, unless authorized by the director under sections seventy and seventy-three so to do. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars and imprisonment for thirty days or both.

Modification
of close season,
when granted.

Section 73. The provisions of sections seventy-one and seventy-two in respect to the open and close season, and in respect to the number of scallops that may be taken, may be temporarily modified if, on petition of the aldermen, city council or selectmen to the director, the director after investigation, determines that, owing to unusual circumstances, such modification is expedient. In that case, he may authorize, for a prescribed period, the aldermen, city council or selectmen to issue permits to inhabitants of their respective cities or towns to take scallops in such quantities and at such times as he deems expedient.

Shellfish in Contaminated Areas.

Determination
of contami-
nated areas.

Publication,
notice, etc.

Section 74. The department of public health shall examine from time to time, or upon the request of the director, the coastal waters and flats of the commonwealth and samples of shellfish therein or thereon in order to determine what areas thereof are so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health. If, after such examination, said department determines that such contamination exists, it shall, by written order, promulgate definite bounds of the area or areas so determined to be contaminated. Before such determination shall be in effect, said department shall

(1) Publish the results of its examination and its determination thereto in a newspaper published in each city and town in which or adjacent to which any such contaminated area is situated,

(2) Shall file in the office of the clerk of every such city and town the results of such examination and such determination,

(3) Shall cause to be posted at points on or near every such area a description thereof, specifying said bounds and a statement that such area is contaminated,

(4) Shall notify the director of its determination by filing with him properly authenticated copies, certified by the secretary of state, of its examination, determination, publication, filing and posting. Whenever, as a result of a subsequent examination of an area or areas determined by said department to be contaminated, it determines that the shellfish in such area or areas are safe to use as food, notice of such determination shall be published immediately, and the director notified thereof. The record of any examination hereunder and the bacteriological counts made therein shall be subject to inspection upon request.

Section 75. The director may grant, and may revoke, written permits for the digging or taking of shellfish from an area determined under section seventy-four or corresponding provisions of earlier laws to be contaminated while such determination is in force, every such permit to be upon the express condition, which shall be set forth therein, that all shellfish dug or taken from the area or areas covered by such permit by the holder thereof shall, before being used or disposed of for consumption as food, be purified at a plant approved in writing by the commissioner of public health and upon such further conditions and regulations as will, in the opinion of the director, most effectively prevent the use of said shellfish as food until so purified. For the purpose of this paragraph the director, upon receipt of the proper fees, may issue the following classes of permits: — a master digger's permit for an individual who digs or takes shellfish from such areas for such purification; a digger's permit for an individual who digs shellfish for the holder of a master digger's permit; and a bait permit for an individual who digs and takes shellfish from such areas for bait purposes only; provided, that no person shall be eligible for a bait permit hereunder who has a digger's permit or who sells shellfish for food purposes.

Purification
of shellfish
from contaminated
areas.

Permits.

Whoever, without a permit as provided in this section or contrary to the provisions of such permit digs or takes shellfish for any purpose from any area determined under section seventy-four or under corresponding provisions of earlier laws to be contaminated, while such determination is in force, or shall knowingly transport or cause to be transported or shall have in possession shellfish so dug or taken, or makes use of such a permit after its revocation or cancellation or wilfully fails to surrender the same at the request of said director shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not more than sixty days, or both. The superior court shall have jurisdiction in equity to enforce this section and the

Penalty.

Jurisdiction
of court.

rules and regulations of the director made hereunder and to restrain the violation thereof. In any prosecution for a violation of this section the possession, except by a common carrier, of shellfish apparently so dug or taken without a permit herein referred to shall be prima facie evidence of a violation thereof.

Purification Plants.

Construction
and main-
tenance of
purification
plants, request
for, etc.

Section 76. The aldermen or city council of a city or the selectmen of a town wherein lies any area determined and declared by the department of public health, in accordance with section seventy-four, to be contaminated, or ten per cent of the registered voters in any such city or town, may file a petition with the director, stating that the petitioners deem that the shell fisheries in such area are of sufficient commercial value to warrant the construction and maintenance of a new purification plant, or the maintenance of an existing purification plant.

Upon the filing of such petition or upon his own motion, the director shall forthwith, after public notice and a hearing, determine whether the shellfish in this area, or in such area and such similar areas as might reasonably be served by the same purification plant, are of sufficient commercial value to warrant the construction and maintenance of a new purification plant, or the maintenance of an existing purification plant. If such determination is in the affirmative, he shall prescribe the location and plan of such plant and the limits of the areas to be served thereby, or, as to any such purification plant already in existence, he may approve the location, plan and limits thereof in whole or in part, or prescribe such changes therein as he may deem suitable, and shall request the department of public health to make a determination as is provided in section seventy-seven.

Such city or town may thereupon construct or change such plant as prescribed and approved and may appropriate such sum or sums as may be reasonably necessary therefor, or the director may construct or alter such plant within the limits of appropriations available therefor.

No such plant shall be constructed or operated until approved in writing as to location, plan and operation by the commissioner of public health. The department of public health may from time to time promulgate rules and regulations for the operation of such plants. Said commissioner may suspend such approval at any time, and after a hearing, due notice of which has been given, he may revoke such approval if he is satisfied that there is sufficient evidence of a violation of any conditions upon which such approval was given, or of any rule or regulation promulgated by the department of public health for the operation thereof.

Section 77. Upon receipt of the request provided for in section seventy-six, the department of public health shall, as soon as may be and in such manner as it may deem proper,

Allocation
of moneys
for purifica-
tion plants.

determine the sources of pollution of the contaminated area or areas referred to therein, and the proportions in which cities and towns within the commonwealth are causing or contributing to the cause of such pollution; provided, that if in any city or town as to which any such proportion is so determined there is a private corporation organized for the purpose of owning and maintaining for profit a system of sewage disposal, said department shall likewise determine whether or not said private corporation is causing or contributing to the cause of the pollution ascribed by the department to such city or town and, if so, in what proportion, and shall forthwith report such determination to the director, who shall thereupon notify each of the cities and towns and private corporations, if any, named in the report of the department of public health as causing or contributing to the pollution of the area or areas in question, and after due notice and hearing, and in such manner as he shall deem just and equitable, allocate the proportion which each of said cities and towns or such private corporation shall bear of the cost of such purification plant as is prescribed or approved under section seventy-six, and the expenses of maintaining such plant thereafter, and shall report his findings to each of said cities and towns. Said report shall be conclusive as to all matters referred to the director and shall be binding upon all parties, but any city or town or other party in interest, may appeal to the supreme judicial court for a review of such report. The court shall have jurisdiction in equity to enforce sections seventy-six to seventy-nine, inclusive.

Jurisdiction
of court.

Section 78. After the completion of the construction of a purification plant prescribed by the director with the approval of the commissioner of public health under section seventy-six, or after their approval of such an existing plant, the same shall be maintained by the city or town in which it is located or may be operated by the director in behalf of the cities or towns contributing to such pollution as determined under the provisions of section seventy-seven until such time as he may determine that the shellfish in the area or areas served by it are no longer of sufficient commercial value to warrant its continuance. On or before January fifteenth of each year unless such plant is operated by the director, any such city or town which shall operate such a plant shall submit to the director an itemized statement certified by its treasurer, showing all sums expended by it during the preceding year on account of any such plant. The director shall approve such sums as he finds to be correct and proper charges. Such proportions of the total amount thereof as have been determined by the department of public health as provided in section seventy-seven to be allocable to cities and towns the director shall apportion thereto in the proportions fixed thereby, and shall forthwith notify each such city or town or other parties of the amounts so apportioned, which shall thereupon be due and payable to the city or town in which said plant is located, or to the director if so

Statement of
sums expended
for purification
plants to be
submitted
to director.

operated. Should such last-mentioned city or town or the director fail to maintain such purification plant in good condition, or to operate the same, the supreme judicial court shall have jurisdiction, upon application of ten registered voters in any one or more of the cities and towns contributing to the expense of such plant, to compel it or him to put the plant in good condition and to operate the same.

Purification
to be free of
charge, when.

Section 79. Such purification plant shall accept and treat for purification, free of charge, all shellfish dug or taken from the area or areas for which such plant is established.

Commercial Permits and Certificates.

Commercial
taking and
distribution
of shellfish
regulated.

Permits, etc.

Section 80. Except as provided in section seventy-five, and except that this section shall not apply to scallops, no person shall engage in the commercial distribution of fish in this commonwealth as set forth herein unless he is the holder of a certificate hereinafter mentioned in full force and effect therefor, authority to grant such certificate being hereby vested in the director.

No person shall, for commercial use, dig or take shellfish without a bed certificate, stating that the coastal waters and flats from which said shellfish are or are to be dug or taken, and the shellfish therein and thereon, are free from contamination.

No person, as a dealer, shall engage in the commercial distribution of shellfish in the shell without first obtaining a dealer's shellfish certificate for shell stock, and no person so distributing shall operate a shucking plant without a dealer's shellfish certificate for an approved shucking plant.

No person shall buy shellfish within this commonwealth to ship outside the commonwealth, or maintain an establishment for packing shellfish for such shipment, without first obtaining a dealer's shellfish shipping certificate, and no person shall dig or take shellfish for such shipment or packing, or both, without first obtaining a digger's shellfish shipping certificate.

No person, as a wholesale dealer, shall engage in the commercial distribution of fish other than shellfish within this commonwealth or ship the same outside the commonwealth without first obtaining a wholesale fish dealer's certificate.

The director shall promulgate rules and regulations relative to the form, contents and use of all certificates issued under this section and relative to the condition of establishments referred to in this section or to equipment of persons operating such establishments under such certificates, and such other rules and regulations relative to fish or shellfish as will most effectively safeguard the public health and meet the requirements of the United States as to the interstate commerce in fish or shellfish and of other states in relation to the importation, inspection and consumption thereof within their respective limits.

Said rules and regulations shall be subject to the approval of the department of public health in so far as sanitary requirements are concerned. At the request of the commissioner of public health, or of his own motion, the director shall revoke and cancel and require the surrender of any certificate issued by him under this section if, in his opinion, after a hearing, after due notice, by him or some person designated by him, the holder thereof is guilty of violating any such rule or regulation, or any provision of this or section seventy-five, or upon a change in the facts and conditions set forth in such certificate. Pending the hearing the certificate shall be suspended. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars and imprisonment for thirty days, or both.

No person holding a valid dealer's shellfish certificate for either shell stock or shucked stock need at the same time hold a separate bed certificate; no person holding a digger's or dealer's shipping certificate need at the same time hold a separate bed certificate or a dealer's shellfish certificate; no person holding a master digger's permit under section seventy-five need at the same time hold a separate digger's permit; and no person holding a wholesale fish dealer's certificate need at the same time hold a dealer's shellfish certificate or a separate dealer's shipping certificate.

No person holding a master digger's permit or a digger's permit for an individual who digs shellfish for the holder of a master digger's permit shall, at the same time, hold a bed certificate.

Section 81. No person shall transport, or cause to be transported, into this commonwealth for consumption as food any shellfish taken or dug from areas outside the commonwealth, or sell, cause to be sold, or keep, offer or expose for sale for consumption as aforesaid any shellfish so taken or dug, unless there is on file in the department of public health a certificate, approved by said department, in which the state board or department of health or other board or officer having like powers of the state, country or province where such areas are situated states that such areas are free from contamination, and also a certificate, approved as aforesaid, in which such state board or department of health or other board or officer having like powers states that the establishment and equipment of the person shipping said shellfish into the commonwealth are in good, sanitary condition, nor shall any person transport or cause to be transported within this commonwealth any shellfish for consumption as food, unless the container of such shellfish shall at all times, while in such transportation, bear a label or tag legibly marked with the name and address of the producer and of the shipper thereof and the numbers of such certificates, and the name of the place where and the date when taken, and absence of such label or tag so marked or

Transporting shellfish into the commonwealth regulated.

Certificates for, etc.

failure to allow an inspection shall be prima facie evidence of violation of this section; provided, that the foregoing provisions relative to transportation shall not apply to common carriers, their servants or agents. No such certificate shall be approved by the department of public health which does not meet the provisions of the laws, rules, regulations and requirements of the United States as to interstate commerce in shellfish.

Penalty.

A list of certificates shall be filed with the director. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than thirty days, or both. The provisions of this section shall be enforced by the department of public health, local boards of health, the director and all officers qualified to serve criminal process; provided, that the provisions of this section and of section eighty-two shall not apply to shellfish taken from an area declared to be contaminated under the provisions of section seventy-four or corresponding provisions of earlier laws.

Shellfish to be marked with source of supply, etc.

Penalty.

Section 82. No wholesale or retail dealer in shellfish, and no person holding a victualler's license, shall receive any shellfish unless the same bears a label or tag legibly marked with the source of supply, the date when taken, and either the certificate or permit number or the name and address of the producer or shipper, and all shellfish in transit shall bear such label or tag so marked. He shall for sixty days after receipt of such shellfish keep in his place of business a record of the markings on such tag or label, which record shall at all reasonable times be open to inspection by any representative of the division or of the department of public health. Whoever violates any provision of this section or fails or neglects to furnish the required label or tag or furnishes such a label or tag bearing false or misleading information shall be punished by a fine of not less than ten nor more than fifty dollars or imprisonment for thirty days, or both.

Fees for certificates.

Section 83. For the purpose of defraying the cost of issuing certain certificates and permits and the inspection thereof the following fees shall be paid to the director by the person to whom the same is issued for any calendar year or part thereof:

Dealer's shellfish certificates for approved shucking plant	\$5 00
Dealer's shellfish certificates for other than approved shucking plants	1 00
Dealer's shipping certificates	10 00
Digger's shipping certificates	2 00
Master digger's permits in contaminated area	10 00
Digger's permits in contaminated area	1 00
Bait permits in contaminated area	1 00
Wholesale fish dealer's certificates	10 00

Inspection of Fish.

Section 84. All fresh food fish before being offered for sale, placed in cold storage, salted or smoked shall be graded as follows: Classification of fish.

“Prime”, fish in extra fine condition. Definitions.

“Superior”, fish in suitable condition to stand shipment outside the commonwealth for human consumption as fresh fish.

“Standard”, fish in suitable condition for immediate human consumption as fresh fish.

All other fish shall be classified as refuse, shall be deemed unsuitable for human consumption, and may be used only for fish meal, fertilizer or other non-food purposes.

No person shall represent, sell, offer for sale or advertise fresh, frozen, salted or smoked fish of any grade under any misleading or other than the truthful and correct name and grade or corresponding term for such fish.

The word “fish” as used in this section shall be taken to mean only swimming fish or finny fish of the class known as Pisces.

Section 85. Food fish, unless deposited in bulk, when deposited in cold storage except in private freezing plants, shall be plainly marked with the date of receipt on the containers in which they are packed; and if deposited in bulk, shall at the time of removal from cold storage be plainly marked on such containers with the month and year of receipt. Cold storage fish to be plainly marked.

Section 86. No person shall sell, or represent for the purpose of sale, otherwise than as frozen, fish which have been frozen. Sale of frozen fish regulated.

Section 87. No person shall import, or cause to be imported into this commonwealth for purposes of sale, any fresh swordfish unless properly packed in boxes, crates or barrels and so iced as to prevent the same from becoming infected, contaminated or unwholesome. Fresh swordfish, icing and packing.

Section 88. No person shall deposit or cause to be deposited in cold storage for a period exceeding six months fish received from any other state or country which have been previously in cold storage either within or without this commonwealth, unless at the time of deposit such fish are plainly marked with the date of their original deposit in cold storage, whether within or without. Period of time for cold storage regulated.

Section 89. The director, a fish inspector or a coastal warden may inspect all fish offered or exposed for sale or kept with intent to sell, and for such purpose may enter any place where fish is stored, kept, offered or exposed for sale, may examine the conditions of such place and the equipment thereof and may require that such place and equipment be kept in a sanitary condition. If on inspection it is found that such fish is tainted, diseased, corrupted, decayed, unwholesome or unfit for food from any cause, the director, fish inspector or coastal warden shall seize and the Director, etc., may inspect fish meant for sale.

director cause the same to be destroyed forthwith or disposed of otherwise than for food. All money received for fish disposed of as aforesaid, after deducting the expense of said seizure and disposal, shall be paid to the owner of such fish. The director shall from time to time make rules and regulations necessary for the enforcement of sections eighty-four to ninety-three, inclusive.

Penalty for
sale of tainted,
etc., fish.

Section 90. Whoever, himself or by his agent, sells, or offers or exposes for sale, or keeps with intent to sell or offer or expose for sale, for food purposes fish which is tainted, diseased, corrupted, decayed, unwholesome or unfit for food from any cause, or whoever violates any provisions of sections eighty-four to eighty-eight, inclusive, or whoever violates any regulation made under section eighty-nine, or prevents, obstructs or interferes with the director, a fish inspector or a coastal warden in the performance of his duties under any provision of said sections, or hinders, obstructs or interferes with any inspection or examination by him, or secretes or removes any fish for the purpose of preventing the inspection or examination of the same under section eighty-nine shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Food fish
to be sold by
weight.

Exceptions.

Penalty.

Section 91. All food fish except soft-shell clams and oysters sold at wholesale shall be sold by weight and shucked scallops or quahaugs in the shell shall not be sold at any time except by weight. Whoever violates this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Sale, etc.,
of scallops
regulated.

Penalty.

Section 92. No person shall sell, exchange, transport or deliver, or offer or expose for sale, exchange or deliver, or have in his custody or possession with intent to sell, exchange, transport or deliver, any scallops which have been soaked, or any scallops not in the shell unless such scallops are in a box, carton, tray or other container plainly and conspicuously stamped, labelled or marked with (a) the word "Massachusetts", followed by the name of the town or of the locality where taken, if taken from waters or flats within the commonwealth; or (b) the name of the state, country or province where taken, if taken from waters or flats outside the commonwealth; or (c) the words "Sea Scallops", if of the species commonly so known.

Whoever fails to comply with any provision of this section, or whoever falsely stamps, labels or marks such a box, carton, tray or other container, or whoever falsely advertises any of the shellfish herein referred to, shall be punished by a fine of not less than ten nor more than fifty dollars or imprisonment for thirty days or both.

This section shall not apply to common carriers having scallops in possession for the purpose of transportation.

Herring, Alewives, etc.

Section 93. A town may open ditches, sluiceways or canals into any pond within its limits not then in private possession for the introduction and propagation in such pond or in any part thereof of herring, alewives or other swimming marine food fish, and for the creation of fisheries for the same; and may take by eminent domain under chapter seventy-nine such land, waters and easements within its limits as may be necessary for such ditches, sluiceways and canals and for the construction and proper operation and use of such fishery and approaches thereto. A town creating such fishery shall own it, may make regulations concerning it, and may lease it for terms of not more than five years, on conditions mutually agreed upon.

Towns may maintain fisheries, etc., for propagation of herring, etc.

Section 94. The board of aldermen or the city council of any city wherein there is a public fishery for alewives, or the selectmen of a town, wherein there is such a fishery, if so authorized by their town, may petition the director for the right to control and regulate such fishery within their city or town and the director shall forthwith, after due notice and after a hearing held in such city or town, determine whether such control would be proper and reasonable and if the public interests therein would be best served thereby, and may thereupon deny the petition or grant it under such terms, subject to such regulations or restrictions not contrary to law as he may deem expedient.

Cities and towns may petition for right to control fisheries for alewives.

Whenever such petition shall be granted said aldermen, city council or selectmen, as the case may be, may regulate and control such fishery and may lease it for terms of not more than five years on conditions mutually agreed upon, notwithstanding the provisions of special laws relating to such fishery in that particular locality but not contrary to terms, regulations or restrictions contained in the order of the director in granting such petition; provided, that any other city or town which deems that its fisheries are adversely affected by such an order may so petition the director, who shall thereupon stay the operation of his original order until he has considered the petition and shall thereafter, in a writing stating his reasons therefor, confirm, alter, amend or rescind such original order.

Section 95. Whoever takes, kills or hauls onshore or disturbs, injures, hinders or obstructs the passage of any herring, alewives or other swimming marine food fish in a fishery created by a city or town, without its permission or that of its lessees, or in a fishery legally created by a corporation, without the permission of such corporation, or in a public fishery regulated and controlled by a city or town, contrary to its regulations, shall be punished by a fine of not less than five nor more than fifty dollars. Prosecutions under this section shall be commenced within thirty days after the commission of the offence.

Penalty for taking, etc., fish in fishery. Limitation of action.

Operation of chapter limited.

Leases of fisheries to be by public auction.

Section 96. Sections ninety-three, ninety-four and ninety-five shall not impair the private rights of any person under any law passed before April twenty-fifth, eighteen hundred and sixty-six, or under any contract existing on said date, or authorize a town to enter upon or build canals or sluiceways into a pond which is private property. Whenever in section ninety-three or section ninety-four, authority is granted to lease alewife fisheries, such leasing shall be made at public auction, held in such city or town, each of such fisheries shall be leased separately, and no such lease shall be made except during the month of February or March, nor shall any such lease authorize the operation of any fishery thereunder subsequent to June fifteenth in any year. Notices of any auction hereunder shall be published and posted as provided by law for notices of town meetings, but not less than two weeks prior to the holding of such auction and every such lease shall terminate on June fifteenth.

Close season on alewives.

Penalty.

Section 97. Whoever on Sunday, Tuesday or Thursday takes alewives in any other manner than by angling, and whoever between June fifteenth and the following March first takes alewives in any manner shall, in addition to the penalty provided in section ninety-five forfeit for each alewife so taken twenty-five cents; but the director upon petition of the board of selectmen of a town, or the aldermen or city council of a city, which owns a private fishery or operates a public fishery for alewives and after due notice and hearing thereon may authorize or prohibit the taking of alewives in such city or town on any day of the week if in his judgment the interests of the public will be best served thereby and that such authorization or prohibition would not impair said fishery.

Penalty for taking short herring, etc., in certain waters.

Section 97A. Whoever takes any herring or alewives less than four inches in length from the waters of Plymouth harbor, Kingston bay, Duxbury bay or from that part of the waters of Plymouth bay lying westerly of an imaginary line drawn from the northeasterly extremity of Rocky Point to Gurnet Light, shall be punished by a fine of not less than five nor more than fifty dollars.

Miscellaneous Provisions.

Cities and towns may designate shellfish constables.

Section 98. The mayor of a city or the selectmen of a town may designate as shellfish constables one or more constables in his or their city or town, however elected or appointed, for the detection and prosecution of violations of the laws of the commonwealth, or local ordinances, rules or regulations, relative to shellfish or shellfisheries.

Taking, etc., of fish by vessel owned without the commonwealth prohibited.

Penalty.

Section 99. Whoever, other than a common carrier, carries out of the commonwealth in any vessel or smack owned without the commonwealth any fish, except oysters, taken within the coastal waters, and whoever in any such vessel or smack takes any fish within the coastal waters for the purpose of carrying them out of the commonwealth, shall be punished

by a fine of fifty dollars, and all fish so taken or carried shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

Section 100. No person shall catch or take from the coastal waters any of the following fish less than the length hereinafter prescribed, as measured from the tip of the head to the inner fork of the tail, or sell, offer for sale or have in possession any such fish less than such length; pollock, twelve inches; mackerel, six inches; striped bass, sixteen inches; squiteague, twelve inches; shad, fourteen inches; Atlantic salmon, twelve inches; provided, that any person fishing in a lawful manner who unavoidably catches such fish less than such length shall not be deemed to have violated this section if such fish are returned immediately, alive, to the waters from which taken. Whoever violates any provision of this section shall be punished by a fine of not less than five nor more than twenty dollars and imprisonment for thirty days, or both.

Minimum
length for
fish taken.
Penalty.

Section 101. A bounty of five dollars shall be paid to every person killing a seal in the commonwealth; provided, that within ten days after such killing he exhibits to any city or town treasurer the whole skin of the seal, with the nose in the same condition as at the time of the killing, and signs and makes oath to a certificate stating the date and place of killing, that he killed the seal and that it was killed in this commonwealth. The treasurer shall thereupon cause the nose of the seal to be cut off and burned, wholly destroying it, and shall pay the said bounty, taking the claimant's receipt therefor, and shall then forward to the state treasurer the said certificate with a statement that he has paid the said bounty in accordance herewith, and that the claimant personally appeared before him and made oath as aforesaid. The state treasurer shall then pay to the city or town treasurer the sum of five dollars and fifty cents, of which sum fifty cents shall be retained by the city or town treasurer as a fee for his services hereunder. Whoever obtains the bounty herein provided for by a false representation, or whoever, for the purpose of obtaining the said bounty, brings into the commonwealth a seal, whether alive or dead, which was not taken or killed in this commonwealth or in the waters thereof, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Bounty on
seals.
Certificate.
Penalty.

Section 102. Any person may take and carry away kelp or other seaweed between high and low water mark while it is actually adrift in tidewater; but for such purpose no person shall enter on upland or on lawfully enclosed flats without the consent of the owner or lawful occupant thereof. This section shall not apply to any city or town where the subject matter thereof is regulated by special law.

Kelp, etc.,
adrift may
be taken.

Section 103. Whoever catches or takes from, the coastal waters any starfish, or winkles and their egg strings, or cockles shall deposit the same at some place above high water mark or at some suitable place designated by the

Starfish, etc.,
when taken
to be de-
posited above
high water.
Penalty.

selectmen of the town wherein such disposition is made. Whoever violates any provision of this section shall be punished by a fine of five dollars and, in addition thereto, all permits or licenses issued to such person under authority of this chapter shall be void and no new permit or license shall be issued to him under such authority within the six months next following the date of his conviction, except upon approval of the director.

Special laws
not repealed.

Section 104. This chapter shall not be deemed to affect any provisions or penalties contained, or any privileges granted, in any special statute relating to fisheries in any particular place, except such provisions thereof as relate to shellfish and shellfisheries and to the alewife fisheries.

G. L. (Ter.
Ed.), 94,
§§ 74, 74A,
77, 78, 78A,
80-83, inc.,
and 88A,
repealed.

SECTION 2. Sections seventy-four, seventy-four A, seventy-seven, seventy-eight, seventy-eight A, eighty to eighty-three, inclusive, and section eighty-eight A of chapter ninety-four of the General Laws, as amended, are hereby repealed; but such repeal shall not affect any cause of action accrued, or any action, suit, prosecution or other civil or criminal proceeding pending, by virtue or under authority of any provision of any of such sections, on the effective date of this act.

G. L. (Ter.
Ed.), 128,
§ 2, (g), etc.,
repealed.

SECTION 3. Paragraph (g) of section two of chapter one hundred and twenty-eight of the General Laws, as amended, is hereby repealed.

G. L. (Ter.
Ed.), 128, § 6,
etc., amended.

SECTION 4. Section six of chapter one hundred and twenty-eight of the General Laws, as amended by section two of chapter two hundred and ninety-one of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out at the end thereof the words "and commercial fisheries", — so as to read as follows: — *Section 6.* The commissioner may arrange for lectures before the department, and may issue for general distribution, such publications as he considers best adapted to promote the interests of agriculture.

Lectures and
publications.

SECTION 5. Section twelve A of chapter forty of the General Laws, as amended, is hereby repealed.

G. L. (Ter.
Ed.), 40, § 12A,
etc., repealed.

SECTION 6. Chapter twenty-one of the General Laws is hereby amended by striking out section eight B and eight C, as inserted by section eight of chapter four hundred and ninety-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following three new sections: — *Section 8B.* The director may, subject to the approval of the commissioner, appoint and remove such experts, coastal wardens, fish inspectors, clerical and other assistants as the work of the division may require, and their compensation shall be paid by the commonwealth. On written application of the city council of a city or the selectmen of a town he may, subject to like approval, appoint in such city or town, from a list of names to be submitted to him by such city council or selectmen, a coastal warden who shall act under his authority and instructions and have the same powers and duties in his city or town as a coastal warden appointed as above provided. The annual compensation of every such

G. L. (Ter.
Ed.), 21,
§§ 8B and 8C,
etc., stricken
out, and new
§§ 8B, 8C and
8D, inserted.

Appointment
of experts and
assistants.

coastal warden, not exceeding two hundred dollars, shall be determined and paid by the city or town in which he is appointed. He may also, subject to like approval, appoint deputy coastal wardens who shall serve without compensation.

Section 8C. There shall be in the division a bureau of law enforcement, under the charge of a chief coastal warden. All coastal wardens, deputy coastal wardens and fish inspectors appointed under section eight B shall be assigned to duty in said bureau. The director shall, subject to the provisions of section three, enforce chapter one hundred and thirty and all other provisions of law relative to marine fish and fisheries and in the enforcement of such laws may act through said bureau. The director, subject to the provisions of section three, shall have general supervision of all such inspectors and wardens.

Bureau of
law enforce-
ment.

Section 8D. There shall be in the division a bureau of bio-statistics, under the charge of a biologist, to which bureau shall be assigned the collection and tabulation of such data and statistics, and the conducting of such biological research, as is provided in this section, and such other duties as may be delegated to it by the director. The director shall collect data and statistics relative to marine fish and fisheries, shall conduct biological investigations thereon and shall compile and distribute such information obtained thereunder as will, in his opinion, be useful to the marine fisheries industry and conserve the supply of fish in the coastal waters of the commonwealth, and in carrying out the provisions hereof may act through said bureau.

Bureau of
bio-statistics.

SECTION 7. Chapter one hundred and twenty-nine A of the General Laws, as inserted by section one of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, is hereby repealed in so far as said chapter relates to marine fish and fisheries.

G. L. (Ter.
Ed.), 129A,
etc., repealed
in part.

SECTION 8. The employees of the division of marine fisheries in the department of conservation serving therein immediately prior to the effective date of this act as chief coastal warden, coastal wardens or fish inspectors and who are subject to the civil service laws shall continue to serve in said division without impairment of their civil service status. Such employees shall retain any step increases from the minimum pay of their grade earned during their service with said division, and for retirement purposes their service with said division shall be deemed to be creditable service.

Civil service
status of
employees
unimpaired.

SECTION 9. This act shall take effect January first, nineteen hundred and forty-two.

Effective
date.

Approved August 2, 1941.

AN ACT RELATIVE TO THE REVISION AND CODIFICATION OF
THE LAWS RELATING TO INLAND FISHERIES, BIRDS AND
MAMMALS.

Chap. 599

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-nine A of the General Laws, as amended, is hereby repealed.

G. L. (Ter.
Ed.), 129A,
etc., repealed.

G. L. (Ter. Ed.), 131, stricken out and new chapter 131, inserted.

SECTION 2. The General Laws are hereby further amended by striking out chapter one hundred and thirty-one, as amended, and inserting in place thereof the following new chapter: —

CHAPTER 131.

POWERS AND DUTIES OF THE DIVISION OF FISHERIES AND GAME.

Definitions.

Construction of chapter, etc.

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings and the following rules of construction shall apply: —

“Alien”, any person not a citizen of the United States.

“Angling”, fishing with hand line or rod, with naturally or artificially baited hook.

“Birds”, wild or undomesticated birds, protected by law within the commonwealth.

“Close season”, the time during which fish, birds or mammals cannot lawfully be taken.

“Commissioner”, the commissioner of conservation.

“Conservation officer”, any conservation officer appointed under section seven of chapter twenty-one.

“Dealer”, any person who commercially handles fish, game birds or game mammals protected by this chapter.

“Department”, the department of conservation.

“Deputy”, any deputy conservation officer appointed under section seven of chapter twenty-one.

“Director”, the director of the division of fisheries and game.

“Division”, the division of fisheries and game.

“Fish”, an aquatic vertebrate animal of the pisces class commonly known as finny fish, found in the inland waters.

The verb “to fish”, in all of its moods and tenses, to take or to attempt to take fish by any method or means, whether or not such method or means results in their capture; and said verb also includes every attempt to take and every act of assistance to any other person in taking or attempting to take fish, except operating a boat or assisting a person licensed under this chapter by cutting holes in the ice for ice fishing.

“Fly”, a single hook dressed with feathers, hair, thread, tinsel or any similar material to which no additional hook, spinner, spoon or similar device is added.

“Fur buyer”, a person who deals in raw furs.

“Game”, any wild bird or mammal commonly hunted for food or sport.

“Great pond”, a natural pond the area of which is twenty acres or more.

“Hook”, any lure or device capable of taking not more than one fish at a time.

“Horned pout”, to include all fish in the family Siluridae.

The verb “to hunt”, in all of its moods and tenses, includes pursuing, shooting, killing and capturing mammals and birds, and all lesser acts such as disturbing, harrying or

worrying, or placing, setting, drawing or using any device commonly used to take mammals and birds, whether or not such acts result in taking; and includes every attempt to take and every act of assistance to any other person in taking or attempting to take mammals and birds.

"Inland waters", shall include all waters within the commonwealth above the rise and fall of the tide, all fresh waters above any fishway or dam, and all waters above any tidal bound legally established by the department of public works in streams flowing into the sea.

"Mammals", wild or undomesticated mammals, protected by law within the commonwealth.

"Marine fisheries", all fisheries in coastal waters.

"Open season", the time during which fish, birds and mammals may lawfully be taken.

"Propagator", a person who propagates fish, birds or mammals.

"Taxidermist", a person who prepares, stuffs, mounts or preserves fish, birds or mammals in any form.

"Warden", any fish and game warden referred to in section three of chapter four hundred and thirteen of the acts of nineteen hundred and thirty-seven.

Whoever knowingly counsels, aids or assists in a violation of any provision of this chapter, or of any rule or regulation made thereunder, or knowingly shares in any of the proceeds of said violation by receiving or possessing either fish, birds or mammals, shall be deemed to have incurred the penalties imposed thereby upon the person guilty of such violations.

Whenever the taking of fish, birds or mammals is allowed by law, reference is had to taking by lawful means and in lawful manner.

Unless the context otherwise requires, any reference to the taking or having in possession of a fish, bird or mammal shall include the taking or having in possession of any part or portion thereof.

The provisions of this chapter and regulations made thereunder, unless otherwise specifically provided, shall apply only to fish and fisheries in or taken from the inland waters of the commonwealth.

In construing this chapter, the provisions thereof forbidding possession of various species of fish, birds and mammals during certain periods of the year shall not be held to prohibit a resident of the commonwealth who has lawfully taken, killed or come into possession of such fish, birds or mammals from having the dead bodies or carcasses thereof in possession for his own personal use and not for sale, unless prohibited by federal legislation or regulation so to do, but the burden shall be on him to prove that such possession was lawful in its origin; nor shall they be held to prohibit a person from bringing into this commonwealth, for his own personal use and not for sale, the dead bodies or carcasses of fish, birds or mammals which were lawfully taken or killed in another state, province or country, or from

having such fish, birds or mammals in possession for the aforesaid purpose after the arrival thereof in this commonwealth, in either event unless prohibited by federal legislation or regulation so to do, if before any such fish, birds or mammals are so imported they are tagged or marked in accordance with the laws of such other state, province or country and with the federal laws relative to interstate commerce, and if no more such fish, birds or mammals are imported at one time than is permitted by the laws of such other state, province or country to be exported therefrom; but the burden shall be on such person to prove that such possession was lawful in its origin.

Suspension of
license after
hearing, etc.

Section 2. Licenses, other than hunting, fishing and trapping licenses, issued by the director under any provision of this chapter, and permits and certificates of registration so issued, may, after a hearing, due notice of which shall have been given, be suspended or revoked for cause by him, shall not be transferable, and shall be produced for examination upon the demand of any authorized person.

Disposition
of certain
fines, etc.

Section 3. All fines, penalties and forfeitures recovered in prosecutions under the laws relative to birds and mammals, and relative to fish, all as defined in section one, shall be equally divided between the county where such prosecution is made and the city or town where the offence is committed; provided, that if the prosecuting officer is a conservation officer or member of the state police receiving compensation from the commonwealth, such fines, penalties and forfeitures shall be paid to the commonwealth.

Authority to
enter upon
private lands.

Section 4. The director, conservation officers, deputies and wardens may, in the performance of their duties, enter upon and pass through or over private lands, whether or not covered by water.

Licensing of
hunters,
trappers and
fishermen,
regulated.

Section 5. Except as provided in section ten, sixty, sixty-one, sixty-four, sixty-seven, sixty-nine or seventy-nine, no person shall hunt any bird or mammal, and no person, unless he is under fifteen years of age, shall fish, except as hereinafter provided, in any of the inland waters of the commonwealth, and no person shall use, set, tend or maintain any trap, or take or attempt to take any mammal by means thereof, without first having obtained a sporting, hunting, fishing or trapping license, or a special fox-hunting license issued under section nine, as the case may be, authorizing him to do so, as provided in sections six to nine, inclusive; provided, that nothing in sections five to fourteen, inclusive, shall be construed as affecting in any way the general laws relating to trespass, or as authorizing the hunting, or the possession, of birds or mammals, contrary to law, or the taking of fish, or the possession thereof, contrary to law, or the trapping of mammals, contrary to law; and provided, further, that said sections five to fourteen, inclusive, shall not be deemed to prohibit any legal resident of the commonwealth or any member of his immediate family, residing on land owned or leased by him, from hunting or

trapping on such land or from fishing in any inland waters bordered by such land if he is or they are actually domiciled thereon, and if the land is used exclusively for agricultural purposes, and not for club, shooting or fishing purposes; and provided, further, that the burden of proof shall rest upon the person claiming any such exception to show that he is entitled thereto.

Section 6. Upon the application of any person entitled to receive a sporting, hunting, fishing or trapping license and upon payment of the fee specified therefor in this chapter and the furnishing of an affidavit by any non-resident desiring to be classified under clause (1) of section eight, the director or the clerk of any city or town shall issue to such person a sporting, hunting, fishing or trapping license, as the case may be, in the form prescribed upon a blank furnished by the division. Subject to existing laws, a sporting license shall authorize the licensee to hunt birds and mammals and to fish, a fishing license shall authorize the licensee to fish only, a hunting license shall authorize the licensee to hunt only, and a trapping license shall authorize the licensee to trap mammals only. Each license issued hereunder shall bear, in addition to any other data, the name, place of residence, citizenship, birthplace, signature and identifying description and the age of the licensee, a statement that the holder has not been found guilty of, or convicted of or penalized in any manner for, a violation of this chapter or any provision thereof, or of any corresponding provision of earlier laws, within one year of the date of the license, and each applicant shall furnish such information to the director or the city or town clerk issuing such license. Each license shall be valid for use to and including the following December thirty-first, unless sooner revoked. No person holding a sporting, hunting, fishing or trapping license shall transfer or loan such license, and every holder thereof shall, while fishing, hunting or trapping, carry upon his person his license authorizing him so to do and shall produce it for examination upon the demand of any conservation officer, deputy, warden, or other officer qualified to serve criminal process, or upon the demand of an owner or lessee of land upon which the licensee is fishing, hunting or trapping, or upon the demand of the agent of such owner or lessee. Whoever, upon such demand, fails or refuses to produce a license authorizing him so to fish, hunt or trap, as the case may be, or whoever for the purpose of procuring any such license falsely makes any representation or statement required by this section, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than one month, or both.

Sporting,
hunting, fish-
ing and
trapping li-
censes, form,
contents.
Penalty.

Section 7. No sporting, hunting, fishing or trapping license shall be granted to a minor under the age of fifteen, nor, as a matter of right, shall a sporting, hunting or trapping license be granted to a minor between the ages of fifteen and eighteen, but the director or any city or town clerk may

Licenses,
when granted
to minors.

issue a sporting, hunting, fishing or trapping license to any minor between the ages of fifteen and eighteen if such minor has been a resident of this commonwealth for at least six months and is a citizen of the United States, or a fishing license to a non-resident minor between the ages of fifteen and eighteen if such minor is a citizen of the United States. Every application for a license hereunder, except a fishing license, from a minor under the age of eighteen shall be in writing and shall be accompanied by the written consent thereto of the parent or guardian, which shall be preserved by the city or town clerk or by the director, as the case may be.

Licenses, to
whom issued.
Fees.

Resident
citizen.

Owner of
real estate.

Member of
club, etc.

Section 8. Sporting, hunting, fishing and trapping licenses shall be issued to the following classes of persons upon payment of fees as hereinafter provided: —

(1) A citizen of the United States, resident in this commonwealth for at least six consecutive months immediately prior to his application for such license, or a non-resident citizen coming within one of the two following classes: —

Class A. Owner of real estate in the commonwealth assessed for taxation at not less than one thousand dollars, or person commissioned or enlisted in the military or naval service of the United States and stationed within the commonwealth.

Class B. Member of any club or association incorporated for the purpose of hunting, fishing or trapping, or for any combination of such purposes; provided, that said corporation owns land in the commonwealth assessed for taxation in a total amount which is at least equal to one thousand dollars for each member, and that the membership list of the corporation shall be filed from time to time upon request, and at least annually, with the clerks of the several cities and towns within which such land, or any portion thereof, is located and with the director;

For which licenses the fees shall be as follows: —

For a sporting license, three dollars and twenty-five cents;

For a hunting license, two dollars;

For a fishing license, two dollars, except that for such a license issued to a minor between the ages of fifteen and eighteen, or to a female over eighteen, the fee shall be one dollar and twenty-five cents;

For a trapping license, five dollars and twenty-five cents, except that for such a license issued to a minor between the ages of fifteen and eighteen the fee shall be two dollars and twenty-five cents;

No fee shall be charged for any license issued under this clause to a person over the age of seventy.

(2) A citizen of the United States, who does not come within the provisions of clause (1) of this section, for which licenses the fees shall be as follows:

For a sporting license, fifteen dollars and twenty-five cents;

For a hunting license, ten dollars and twenty-five cents;

Non-resident
citizen.

For a fishing license, five dollars and twenty-five cents, except that for such a license issued to a minor between the ages of fifteen and eighteen the fee shall be two dollars and twenty-five cents;

For a fishing license covering all the inland waters and good for three consecutive days specified on the license, one dollar and fifty cents. Said days may be so specified on the license and the duration of the license may be so limited, notwithstanding any provision of sections six and thirteen.

For a trapping license, fifteen dollars and twenty-five cents.

No person shall be granted a sporting, hunting or trapping license unless he files with the city or town clerk or the director, as the case may be, a written report upon blanks furnished by the director stating the number of birds or mammals, if any, taken by him within the commonwealth during the preceding year. The city or town clerk shall on the first Monday of each month forward such reports to the director. Nothing herein shall be deemed to prohibit the director, upon written order to city and town clerks, to suspend the requirement of any such written report, and section thirty-seven of chapter thirty shall apply to such order.

Written
reports, when
required.

Section 9. A non-resident member or non-resident invited guest of a club or association conducting fox hunts within the commonwealth may procure a special fox-hunting license authorizing him, for periods not exceeding, in the aggregate, six days within any year and during regular fox hunts conducted by such club or association, to hunt foxes only. No such license shall be valid unless, not less than fifteen days prior to the holding of any such fox hunt, the club or association conducting the same files with the director its non-resident membership list. The fee for every such license shall be two dollars. Licenses under this section shall be issued by the director, or by a city or town clerk specially designated therefor by him, in the form prescribed upon blanks furnished by the division, and shall bear the data required by section six, which shall be furnished to such director or clerk by the applicant. The provisions of section six relative to the transfer or loan of a license issued thereunder and relative to the carrying on the person of such a license and its production for examination shall apply in the case of a license issued under this section. Whoever for the purpose of procuring a license under this section for himself or another falsely makes any representation or statement required by this section or section six shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than one month, or both. Each licensee under this section shall, within ten days after the close of each hunt in which he participates, report in writing to the director the number of foxes taken or killed by him at such hunt and, not later than December thirty-first of the year of issue, shall return his license to the director with an endorsement thereon stating the total number of foxes taken or killed by him under authority thereof and specifying the

Special
fox-hunting
license.

Fee.

Penalty.

dates on which he hunted thereunder. No license hereunder shall be granted to a minor.

Special complimentary certificates.

Section 10. An executive or administrative public official of any state granting similar privileges to such an officer of this commonwealth may hunt any bird or mammal or may fish in any of the inland waters of the commonwealth if he holds a special complimentary certificate entitling him so to do, which certificate the director, with the approval of the governor and the commissioner, is hereby authorized to issue, and the holder of such certificate shall have the same rights and privileges and be subject to the same duties and penalties as if he held a sporting license.

City or town clerk's fee.

Section 11. Any city or town clerk issuing any license under authority of any provision of this chapter may, except as otherwise provided by law, retain for his own use twenty-five cents from the fee for each such license; provided, that if no fee is required to be paid for the issuance of a license, or in case of the issuance of a duplicate license, the clerk shall make no charge for the issuance thereof or retain no part of the fee therefor, as the case may be.

Replacing lost, etc., license.
Fee.

Section 12. Whoever loses or by mistake or accident destroys his license may, upon application to the director or to the clerk of the city or town issuing the same, and upon payment of a fee of fifty cents, receive a duplicate license; provided, that such application is accompanied by an affidavit setting forth the circumstances of said loss and also, if application is made to the director in any case where he did not issue the original license, by a statement from the person who issued the original license or his successor in office, which statement shall contain the number and form of the license, the date of its issue and a personal description of the licensee.

Record of licenses issued.
Penalty.

Section 13. The director and the clerk of every city and town shall make a record, in books kept therefor, of all licenses issued by them, respectively, and shall date each license as of the date of issue; and, except as hereinafter provided, no other date shall be placed on such license. Such books shall be supplied by the division, shall be the property of the commonwealth, shall be open to public inspection during the usual office hours of the clerk or the director, as the case may be, and shall be subject at all times to audit and inspection by the director, by the state auditor or by the comptroller or by their respective agents. Every such clerk shall, on the first Monday of every month, pay to the division all moneys received by him for licenses issued during the month preceding, except the fees retained under section eleven. All such remittances shall be by check, United States post office money order, express money order, or in lawful money of the United States. Every such clerk shall, within thirty days next succeeding January first in each year, return to the division all license books received during the year preceding, including all stubs and void and unused licenses. Any such clerk violating any provision of

this section shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than one year, or both.

Nothing herein shall be construed to prohibit the sale of licenses during the month of December in any year to be valid for use only on and after January first next succeeding. Any license so sold shall have the date of sale endorsed thereon.

Section 14. The director may: —

Duties and
powers of
director.

Destroy from time to time license books, stubs, licenses and license blanks after the same have been properly audited by the state auditor, and such other documents as the director deems advisable after the same have been noted on the official records;

Take, or in writing authorize his agents to take, fish, birds or mammals at any time or in any manner for purposes connected with propagation or scientific observation or for the control of any fish, birds or mammals which are or may be detrimental to property or to other useful wildlife;

Investigate questions relating to fish, birds or mammals and, personally or by assistants, institute and conduct inquiries pertaining to such questions and conduct such biological research as will, in his opinion, tend to conserve, improve and increase the supply of fish, birds and mammals;

For the purpose of providing public fishing grounds, acquire by gift and in his discretion acquire by lease or purchase, fishing rights and privileges in any brook or stream, or in any pond other than a great pond, in the commonwealth, or acquire by gift, lease or purchase lands necessary for such purposes, except a brook, stream or pond which is the source of or a tributary to a public water supply, and also acquire by gift, lease or purchase lands necessary for such purposes, together with such rights of ingress to and egress from such a brook, stream or pond as may be necessary or proper;

Make rules and regulations relative to fishing in any water acquired under authority of this section, such rules and regulations being subject to section thirty-seven of chapter thirty; provide a penalty, consisting of a fine not to exceed twenty dollars, for any violation of any such rule or regulation, and from time to time close or open such waters, or any part thereof, for fishing;

If in his opinion the presence in any great pond or in waters acquired hereunder for public fishing grounds of any species of fish having destructive proclivities toward trout or salmon constitutes a hindrance or detriment to the promotion and development of trout or salmon fishing therein, by order, suspend, with respect to such waters, the operation of any or all provisions of law establishing close seasons on such species of fish having such destructive proclivities and regulating the number and length of fish of such species that may be lawfully taken or had in possession. Any such suspension shall become effective upon the filing of the order

of suspension in the office of the director, but no such suspension shall be terminated until after notice of such termination has been conspicuously posted on the shores of such waters and filed with the clerk of each city and town bordering thereon;

With the approval of the riparian owners and all persons owning any right of fishing in the waters affected, establish restricted areas in any non-navigable brook or stream, or portion thereof, or in any pond other than a great pond, or portion thereof, when, in his opinion, such brook, stream or pond, or portion thereof, is a suitable area for the breeding of fish, and make rules and regulations for the taking of fish within such area;

Screen such of said ponds, brooks and streams in the commonwealth not used as sources of water supply by cities and towns as he deems necessary for the protection of fish therein, except that mercantile and manufacturing rights existing on April thirtieth, nineteen hundred and twenty, shall not be affected;

Cause any great pond, except in Dukes and Nantucket counties, to be stocked or restocked with such fish as he judges best suited to the waters thereof, and in every such instance he may prescribe and enforce such reasonable regulations relative to fishing in the pond or its tributaries, or both, with such penalties, not exceeding twenty dollars for each offence, as he deems for the public interest, but this paragraph shall not apply to ponds used as sources of public water supply;

Except in Dukes and Nantucket counties, cause any natural or artificial pond, other than a great pond, or any brook or stream, to be stocked or restocked with such fish as he judges best suited to the waters thereof; provided, that in respect to privately owned ponds such stocking shall only be with the written consent of the owner or lessee thereof, and shall not prevent such owner or lessee from drawing down or making such use of said waters for commercial or other purposes as appear to him to be advisable; and provided, further, that such stocking shall not prohibit such owner or lessee from excluding the public from such waters if and when this action appears to him necessary for the proper control and utilization thereof;

At any time in any inland waters where the loss of fish from any cause is apparent, salvage such fish for distribution, and, with the approval in each instance of the commissioner of public health, from time to time, by seine, trap or other method, remove fish from any reservoir used as a source of public water supply when permitted by the proper authorities in charge, for the purpose of stocking or restocking any inland waters of the commonwealth wherein any holder of a sporting or fishing license issued under this chapter is entitled to fish;

For the purpose of breeding and developing trout, establish restricted areas in the Deerfield river or the Millers river

or their diverted waters within the commonwealth, and, subject to approval by the governor and council, make rules and regulations for the taking of fish within such area.

Section 15. Except as prohibited or limited by federal legislation or regulation, any person who holds a sporting, hunting, fishing, trapping or special fox-hunting license issued to him as a non-resident may carry from the commonwealth such fish, birds or mammals as have been lawfully taken within the commonwealth, but no person shall transport or cause to be transported into or out of the commonwealth any fish, birds or mammals protected by this chapter which have been unlawfully taken or killed therein.

Non-resident licensees may carry from state fish, etc., lawfully taken.

Section 16. Unless otherwise specifically provided by law, every license, permit and certificate issued under any provision of this chapter held by any person found guilty of, or convicted of, or penalized in any manner for, a violation of any provision of this chapter, or of corresponding provisions of earlier laws, or of any rule or regulation made under authority thereof, shall be void, and shall immediately be surrendered to any officer authorized to enforce this chapter. No person shall be given a license, permit or certificate under authority of any provision of this chapter during the period of one year from the date of his being found guilty or penalized as aforesaid, and any such license, permit or certificate so issued shall be void and shall be surrendered on demand of any officer authorized to enforce said chapter. No fee received for a license, permit or certificate made void under this section shall be refunded to the holder thereof.

Revocation of license for violations of provisions of chapter.

Section 17. Whoever violates any provision of sections five to sixteen, inclusive, or of this section, for which no specific penalty is provided, or is directly or indirectly a party to any such violation, shall be punished by a fine of not less than ten nor more than fifty dollars or by imprisonment for not more than one month, or both.

Penalty.

Section 18. The director, conservation officers, deputies, wardens and members of the state police shall enforce the laws relating to fish, birds and mammals. Each conservation officer, when on duty, shall wear and display a metallic badge bearing the seal of the commonwealth and the words "conservation officer" and each deputy, when on duty, shall wear and display a metallic badge bearing the seal of the commonwealth and the words "deputy conservation officer" together with a number to be assigned by the director. Each warden, when on duty, shall wear and display a metallic badge bearing the seal of the commonwealth and the words "fish and game warden." The director, with the approval of the governor, may in writing authorize any conservation officer or deputy to have in his possession and carry a revolver, club, billy, handcuffs, twisters, or any other weapon or article required in the performance of his official duty.

Enforcement of laws.
Badges, weapons, etc.

Section 19. Whoever, not being a conservation officer, deputy or warden, without authority possesses or wears any badge described in section eighteen or in any way imperson-

Impersonating officer, etc.
Penalty.

ates a conservation officer, deputy or warden shall be punished by a fine of not less than ten nor more than fifty dollars.

Police powers,
etc., of officers.

Section 20. The director, conservation officers, deputies and wardens shall have and exercise throughout the commonwealth, for the enforcement of the laws relating to fish, birds and mammals, including dogs, all the powers of constables, except the service of civil process, and of police officers.

Arrest without
warrant.

Section 21. The director, conservation officers, deputies, wardens, members of the state police and all other officers qualified to serve criminal process may arrest without a warrant any person found violating any provision of this chapter or of any ordinance, rule or regulation made under authority thereof, and may seize any fish, birds or mammals unlawfully taken or held, which shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

Search and
seizure under
warrant.

Forfeiture
of fish, etc.

Section 22. The director, any conservation officer or any member of the state police to whom a warrant issued under section twenty-three is committed shall search the place described in the warrant and seize the fish, birds or mammals therein described, and such fish, birds or mammals, if unlawfully taken or held, shall be forfeited to the commonwealth; provided, that this section and section twenty-three shall not apply to fish, birds or mammals passing through the commonwealth under authority of the laws of the United States. Fish, birds, or mammals so seized shall be preserved whenever in the opinion of the director, or his agent thereunto duly authorized, proper facilities therefor exist until such time as, in the opinion of the director, the necessity for further preservation thereof has ceased, at which time said fish, birds or mammals may be disposed of by the director for the best interests of the commonwealth.

Search
warrants.
Complaint,
etc.

Section 23. A court or official authorized to issue warrants in criminal cases shall, upon a sworn complaint that the complainant believes that any fish, birds or mammals unlawfully taken or possessed are concealed in any boat, vehicle, car, box, locker, crate, package, building or other particular place, other than a dwelling house, within its or his jurisdiction, if satisfied that there is reasonable cause for such belief, issue a warrant to search therefor. The warrant shall designate and describe the place to be searched and the articles for which search is to be made and, if possible, the person by whom the articles are believed to be owned, kept or possessed, and shall be directed to any officer named in section twenty-two commanding him to search the place where the fish, birds or mammals for which he is required to search are believed to be concealed, and to seize such fish, birds or mammals.

Display of
fish, etc.,
upon demand.
Penalty.

Section 24. The director, or any conservation officer, deputy, warden or member of the state police may request any person whom he reasonably believes to be engaged in hunting, fishing or trapping, or to be unlawfully in posses-

sion of fish, birds or mammals, or to be in possession of fish, birds or mammals unlawfully taken, or in possession of unlawful equipment or ammunition, to forthwith display for inspection all fish, birds, mammals, equipment or ammunition then in his possession, and may arrest without a warrant a person refusing or failing to comply with such request.

Section 25. The director may establish and maintain properties at such places within the commonwealth as he may select for the purpose of propagating and rearing fish, birds and mammals.

Establishment of properties for propagation of fish, etc.

Nothing in this chapter shall be deemed to prohibit the director from disposing, through sale or exchange, of mammals, birds, birds' eggs, fish spawn, fish fry, or other fish, for the best interests of the commonwealth in connection with propagation.

Section 26. Except as otherwise provided in this chapter, no person shall be provided by the director with fish or fish spawn to stock waters owned or leased by such person or under his control unless he first agrees in writing with the director that waters so stocked shall be free for the public to lawfully fish therein; and the public may thereafter fish in such waters.

Stocked waters to be free for public fishing.

Section 27. Whoever without right enters in or upon any building or other structure, or any area of land, flats or water, set apart and used by or under authority of the director for conducting scientific experiments or investigations or for propagation, or fishes in waters so set apart and used, after the director has caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position upon any such building or other structure or adjacent to any such area of land, flats or water, and whoever injures or defaces any such building or other structure or any notice posted as aforesaid, or injures or destroys any property used in such experiments or investigations or for such purposes, or otherwise interferes therewith, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months.

Illegal entry upon property set apart for scientific purposes.
Penalty.

Section 28. If the director determines that the fisheries of any inland waters of the commonwealth are of sufficient value to warrant the prohibition or regulation of the discharge or escape of sawdust, shavings, garbage, ashes, acids, oil, sewage, dyestuffs, or other waste material from any saw-mill, manufacturing or mechanical plant, or dwelling house, stable or other building, which may, directly or indirectly, materially injure such fisheries, he shall by a written order sent by mail to or served upon the owner or tenant thereof prohibit or regulate the discharge or escape therefrom of any or all such injurious substances into such inland waters. Such order shall take effect in ten days after its date and may be revoked or modified by the director at any time. Before any such order is made the director shall, after reasonable notice to all parties in interest, give a public hearing in

Discharge of waste material, etc., into certain inland waters regulated.
Hearing, etc.
Penalty.

the county where the sawmill, manufacturing or mechanical plant, dwelling house, stable or other building to be affected by the order is located, at which hearing any person shall be heard. Upon petition of any party aggrieved by such order, filed within six months after its date, the superior court may, in equity, after such notice as it deems sufficient, hear all interested parties and annul, alter or affirm the order. If such petition is filed by the party aggrieved within ten days after the date of said order, said order shall not take effect, unless such petition shall be dismissed, until altered or affirmed as aforesaid. Whoever, in violation of any order of the director, of which he has had due notice hereunder and which has taken effect, or in violation of any order of said court made hereunder, discharges from such plant or building under his control any of the aforesaid materials, the discharge of which therefrom is forbidden by such order, or suffers or permits the same to be discharged or to escape from such plant or building, into any inland waters of the commonwealth, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Poisoning,
etc., of fish.
Penalty.

Section 29. Except in case of emergency imperiling life or property or of unavoidable accident, whoever from any sources other than those designated in section twenty-eight puts, throws, discharges or suffers or permits to be discharged or to escape into any inland waters of the commonwealth any oil, or any poisonous or other substance, whether simple, mixed or compound, which may directly or indirectly materially injure the fish or fish spawn therein, or takes any such fish by such means, or whoever kills or destroys fish in such waters by the use of dynamite or other explosives, or takes any such fish in such waters by such means, or explodes dynamite or other explosive in such waters, or dumps, throws, places or authorizes or orders the dumping, throwing or placing tin cans or rubbish in any brook or stream, shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not more than one year. This section shall not apply to operations of the United States or of the commonwealth or of a political subdivision thereof, nor to operations authorized or permitted thereby, nor to the use of explosives for raising the body of a drowned person.

Whoever, contrary to any provision of this section or section twenty-eight, himself, or by his agent or servant, does, or allows or suffers to be done, any act causing damage to the fisheries therein named shall be liable in tort, in twice the amount of damage thereby done, to the city or town wherein such damage occurs, on account of any injury to the public fisheries within its limits, and to any person having fishery rights therein, on account of any injury to his private fishery rights.

Seizure and
removal of
obstructions
to fish ways.

Section 30. The director, conservation officers and members of the state police may seize and remove, summarily

if need be, at the expense of the person using and maintaining the same, all illegal obstructions to the passage of anadromous fish coming into fresh water to spawn; provided, that the foregoing shall not authorize the seizure or removal of dams, mills or machinery. The director may examine all dams or obstructions upon brooks, rivers and streams where the law requires fish ways to be maintained, or where in his judgment fish ways are needed for such fish, and he shall determine whether the fish ways, if any, are suitable and sufficient for the passage of such fish in such brooks, rivers and streams or whether a fish way is needed for the passage of such fish over such dam or obstruction; and shall prescribe by written order what changes or repairs, if any, shall be made therein, and where, how and when a new fish way shall be built, and at what times the same shall be kept open, and shall serve a copy of such order upon the owner of, or person using or maintaining, the dam or obstruction. A certificate of the director that service has been so made shall be sufficient proof thereof. The supreme judicial or the superior court shall, on petition of the director, have jurisdiction in equity or otherwise to enforce any such order and to restrain any violation thereof.

Examination
of dams, etc.
Jurisdiction
of court.

Section 31. Any owner of, or the person using or maintaining, such a dam or obstruction who refuses or neglects to keep open or maintain a fish way at the times prescribed by the director shall forfeit fifty dollars for each day of such refusal or neglect.

Penalty for
not keeping
fish way open.

Section 32. If the director deems that a passage for anadromous fish should be provided, or if he finds that there is no fish way or an insufficient fish way in or around a dam or obstruction where a fish way is required by law to be maintained, he may enter with workmen and materials upon the premises of the person required to maintain a fish way there and may, at the expense of the commonwealth, if in his opinion the person required by law to construct or maintain such fish way is unable to afford such expense, otherwise at the expense of the owner of, or the person using or maintaining, such dam, improve an existing fish way, or cause one to be constructed if none exists, and may, if necessary, take the land of any other person who is not obliged by law to maintain said fish way; and if a fish way has been constructed in accordance with this section he shall not require the owner of, or the person using or maintaining, the dam to alter such fish way within five years after its completion.

Improvement
or construction
of fish
ways, etc.

Section 33. All damages caused by taking land under section thirty-two shall, upon the application of either party, be recovered from the commonwealth under chapter seventy-nine. The amount so recovered shall be a charge against the person required by law to construct and maintain such fish way and shall be recovered in contract in the name of the commonwealth, with costs and with interest at the rate of twelve per cent per annum.

Compensation
for taking
land.

Great ponds
to be public
for fishing, etc.

Section 34. Except as otherwise provided in this chapter, a great pond shall be public for the purpose of fishing therein and hunting or boating thereon and all persons shall be allowed reasonable means of access thereto for such purpose.

Ponds other
than great
ponds, etc.

Section 35. Except as provided in sections twenty-six and thirty-nine, the riparian proprietors of any pond, other than a great pond, and the proprietors of any pond or parts of a pond created by artificial flowing, shall have exclusive control of the fisheries therein.

Measurement
of ponds in
certain
instances.

Section 36. The state department of public works shall annually, in July, upon the request and at the expense of any person claiming to be interested in a pond, cause a measurement thereof to be made which shall be recorded in the office of the clerk of each city and town within the limits of which any part of such pond is situated; and no arm or branch shall be included as a part of such pond unless such arm or branch is at least fifty feet in width and one foot in depth.

Fishing in
ponds situated
partly in
another state.

Section 37. If, in the case of a pond situated partly in this commonwealth and partly in another state, the laws of such other state permit fishing in that part thereof lying within such other state by persons licensed or otherwise entitled under the laws of this commonwealth to fish in that part of such pond lying within this commonwealth, persons licensed or otherwise entitled under the laws of such other state to fish in the part of such pond lying within such other state shall be permitted to fish in that part thereof lying within this commonwealth, and, as to such pond, the operation of the laws of this commonwealth relative to open and closed seasons, limits of catch, minimum sizes of fish caught and methods of fishing shall be suspended upon the adoption and during the continuance in force of rules and regulations relative to those subjects and affecting that part of such pond lying within this commonwealth, which rules and regulations the director is hereby authorized to make, and from time to time add to, alter and repeal. Before making, adding to, altering or repealing such rules and regulations, said director shall confer with the officer or board having like duties in such other state, in order to secure uniformity of law, rules and regulations as to the whole of such pond, if practicable. Such rules and regulations shall prior to their effective date be printed and available for distribution at the office of the director and of the clerk of each city and town in this commonwealth in which any part of such pond is situated or to which it lies adjacent.

Acquisition
of exclusive
fishing rights
by riparian
owners in
ponds other
than great
ponds.

Section 38. A pond other than a great pond, bounded in part by land belonging to the commonwealth or to a county, city or town, shall become the exclusive property of the other proprietors as to the fisheries therein only upon payment to the state treasurer, or to the county, city or town treasurer, as the case may be, of a just compensation for their respec-

tive rights therein, to be determined by three arbitrators, of whom one shall be appointed by the director, one shall be an individual riparian proprietor of said pond or an officer of a corporation which is such proprietor, and one shall be the chairman of the county commissioners of the county where the pond, or the largest part of the area thereof, is situated, if the riparian proprietors include the commonwealth, or one or more counties, or two or more cities or towns, or one or more cities and one or more towns, or the mayor or chairman of the board of selectmen, respectively, if only one city or town is such part proprietor:

Section 39. No riparian proprietor of a natural pond other than a great pond, or of an artificial pond of any size, or of a non-navigable stream, shall enclose the waters thereof within the limits of his own premises unless he furnishes a suitable passage for all anadromous fish naturally frequenting such waters to spawn; nor shall any riparian proprietor enclose the waters of any such pond or stream for the purpose of artificial propagation, cultivation and maintenance of fish, except shiners as authorized in section forty-eight, unless he first procures a propagator's license under section one hundred and seven authorizing him so to do.

Enclosure of ponds and streams, etc.
Maintenance of fish ways.

No person, without the written consent of the proprietor or lessee of a natural pond which is not a great pond, or of an artificial pond of any size, or of a non-navigable stream, where fish are lawfully propagated or maintained under authority of a license under this chapter, shall take, or attempt to take, fish therefrom.

Section 40. Except as permitted by law, whoever draws, sets, stretches or uses a fish trap, gill net, drag net, set net, purse net, seine or trawl or sets or uses more than two hooks for fishing, or in case of ice fishing five hooks, in any inland water, or aids in so doing, shall be punished by a fine of not less than twenty nor more than fifty dollars. This section shall not affect any rights conferred by section thirty-five or the corporate rights of any fishing company.

Use of fish traps, etc., regulated.
Penalty.

The possession, except as permitted by law, by any person in or upon inland waters or upon the banks of the same of any seine, net, trap, trawl or other device adapted for fishing for any species of fish shall be prima facie evidence of a violation of this chapter.

Section 41. Whoever, except as otherwise permitted by law, takes or attempts to take any fish in inland waters, in any other manner than by angling, shall be punished by a fine of not less than twenty nor more than fifty dollars; but cities and towns may permit the use of nets and seines for taking herring and alewives, and may permit the use of pots for the taking of eels only in ponds having direct openings to the sea. This section shall not prohibit spearing eels, carp or those species of fish commonly known as "suckers"; nor shall it apply to ponds or waters now or hereafter held under lease from the department.

Taking fish by method other than angling prohibited.
Penalty.

Use of sweep
seines regu-
lated.

Penalty.

Section 42. Whoever uses a sweep seine or combination of sweep seines in such a manner as at any moment to close or seriously obstruct more than two thirds of the width of a brook or stream at the place where used, or delays or stops in paying out or hauling a sweep seine, or hauls a sweep seine within one half mile of a point where such seine has been hauled within an hour, shall be punished by a fine of not less than twenty nor more than fifty dollars; provided, that this section shall not apply to seines lawfully used in the smelt fisheries, or to the fisheries for shad or alewives in the Taunton Great river, or to the fisheries in the North river in Plymouth county.

Department
of public
works to define
tidal bounds.

Recording
of same.

Section 43. Upon the application of the commissioner or of any party in interest, the department of public works may from time to time, for the purposes of this chapter and of chapter one hundred and thirty, arbitrarily fix and define the tidal bounds and mouths of streams and ordinary or mean high water mark and mean and extreme low water marks, and may alter and amend the same and establish suitable markers therefor, and thereupon said department shall file a plan showing the location of the same with the department and with the registry of deeds for the county or registry district, and with the clerk of the city or town, in which the land lies.

Buying, sell-
ing, etc., of
certain fish
regulated.

Section 44. No person shall buy, sell, offer or expose for sale, or have in possession for the purpose of sale, any trout, salmon, horned pout, yellow perch, pickerel, white perch, great northern pike or muskallonge, or wall-eyed pike or pike perch, or any member of the family centrarchidae (sunfish), taken from the waters of this commonwealth, or any black bass taken from waters within or outside the limits of this commonwealth. Nothing in this section shall be construed to prohibit the sale of white perch taken from the coastal waters of the commonwealth or from the waters of Dukes or Nantucket counties, or from waters now or hereafter held under lease from the department, nor be deemed to prohibit the director from issuing licenses as provided in section thirty-nine, or to penalize any person acting under authority of any license so issued.

Limit of
catch.

Minimum
length of fish.

Hours for
fishing.

Section 45. No person, except as provided in sections thirty-seven and one hundred and seven, shall fish or have in his possession any fish to a number greater, or of a length less, nor at a period other, than as provided in this section.

Trout, twelve per day, minimum length six inches, except that the daily bag limit and minimum legal length of trout in the following waters:— Deerfield river or its diverted waters, Millers river or its diverted waters, and in all great ponds— six trout, with a minimum length of nine inches; open season from April fifteenth to July thirty-first, inclusive.

SPECIES.	Daily Bag.	Minimum Legal Length (Inches).	Open Season.
Black bass	5	10	July 1 to Feb. 15, inclusive
White perch	15	7	Apr. 15 to Feb. 15, inclusive
Pickereel	10	12	Apr. 15 to Feb. 15, inclusive
Pike perch	5	12	Apr. 15 to Feb. 15, inclusive
Salmon	5	12	Apr. 15 to Feb. 15, inclusive
Yellow perch	20	-	Apr. 15 to Feb. 15, inclusive
Great northern pike or muskallonge	5	20	Apr. 15 to Feb. 15, inclusive
Horned pout	20	-	Apr. 15 to Feb. 15, inclusive

No person shall take any trout or salmon at any other time than between one half hour before sunrise and two hours after sunset.

Fish not otherwise specified may be taken from April fifteenth to the following February fifteenth, both dates inclusive, as provided in section forty-eight of this chapter and section seventeen of chapter one hundred and thirty-six.

This section shall apply to white perch in all the inland waters of the commonwealth, other than in Dukes and Nantucket counties.

No person shall in any one calendar day, except as provided in section forty-eight, take or have in his possession more than twenty fish in the aggregate of all kinds, exclusive of suckers, eels and carp, from the inland waters of the commonwealth.

The possession at any time of a greater number of fish, or of fish of a length less, than as provided in this section, or the possession of fish at a period other than as so provided, shall be prima facie evidence of a violation of this section; provided, that the taking or having in possession of any fish of a length less than as provided in this section, if taken by a person lawfully fishing and immediately returned alive to the water whence it was taken, shall not constitute such a violation.

Section 46. Whoever fishes with floats, otherwise known as toggle fishing, in any inland water of the commonwealth shall be punished by a fine of not less than twenty nor more than fifty dollars; provided, that this section shall not prohibit the use of traps for ice fishing in accordance with law. For the purposes of this section, a "float" shall mean any device floating with a line and hook attached, baited with natural or artificial bait and not under the direct control of the hands of the person fishing.

Fishing with floats prohibited.
Penalty.
"Float" defined.

Section 47. Whoever, except as provided in section forty-five, puts into any of the inland waters of the commonwealth any species of fish, or spawn thereof, without having first obtained a license under section one hundred and seven, which license is in full force and effect, or having secured the written approval of the director, shall be punished by a fine of not less than twenty nor more than fifty dollars.

Penalty for placing fish, etc., in inland waters without license.

Taking shiners
for bait.

License, fee.

Section 48. Shiners or fish of a similar nature and suckers may be taken for bait, but not for the purpose of sale, in any of the inland waters of the commonwealth by means of a single fish trap with openings not over one inch or by a single circular or hoop net not exceeding six feet in diameter to each licensed fisherman or by means of a rectangular net, containing not more than thirty-six square feet of net surface; and shiners and suckers may be taken by licensed fishermen, for the purpose of sale as bait, in any of said waters by means of a single fish trap with openings not over one inch or by means of a single circular or hoop net not exceeding six feet in diameter, or by means of a net containing not more than two hundred square feet of net surface if each person engaged in operating such fish trap or net is thereto authorized by a license issued by the director, which license the director is hereby authorized to issue upon receipt of a fee of five dollars; provided, that any fish taken by any such net or trap, other than those permitted by this section to be taken thereby, are immediately returned alive to the water whence they were taken. Licenses granted under this section shall expire on the thirty-first day of December in the year of issue, if not sooner revoked. Any person who loses or by mistake or accident destroys any license issued under authority of this section may, upon application to the director, accompanied by an affidavit setting forth the circumstances of such loss, receive a duplicate license upon the payment of a fee of fifty cents.

Forfeiture
of nets, etc.,
used illegally.

Section 49. Any net, seine, trawl or other similar device used by any person in violation of any provision of this chapter, or of any rule or regulation made under authority thereof, and any fish taken in violation thereof, shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

Special laws
not repealed.

Section 50. Sections five to forty-nine, inclusive, shall not affect any provisions or penalties contained, or any privileges granted, in any special statute relating to fisheries in any particular place.

HUNTING AND TRAPPING.

Hunting and
owning fire-
arms by aliens
prohibited.

Penalty and
forfeiture.

Section 51. No alien shall hunt any bird or mammal of any description, nor shall he have in possession any such bird or mammal or own or have in his possession or under his control a firearm; and any firearm owned by him or in his possession or under his control in violation of this section shall be forfeited to the commonwealth. Violation of any provision of this section shall be punished by a fine of fifty dollars or by imprisonment for not more than one month, or both. If, in any prosecution for violation of any provision of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him.

Notice of the seizure of any firearm owned by or found in the possession or under the control of any person violating any provision of this section, together with the firearm itself, shall be sent to the director by the officer making the seizure immediately after the guilt of such person shall be established by a final adjudication in any prosecution brought against him for such violation, and any firearm so seized shall be disposed of by the director for the best interests of the commonwealth.

Section 52. The director, conservation officers, deputies, wardens, members of the state police and all other officers qualified to serve criminal process shall arrest, without a warrant, any person found with a firearm in his possession if they have reason to believe that he is an alien. If the arrest be made upon Sunday or upon a legal holiday, the person so arrested may be committed for safe-keeping to a jail or lockup for that day; but he shall be taken before a magistrate and proceeded against on the next day which is not Sunday or a legal holiday; and any such officer, if he has reason to believe that a firearm is being concealed by such an alien, may apply to any court having jurisdiction of the offence, and the court, upon receipt of proof, made by affidavit, of probable cause for believing that there is such concealment by such person, shall issue a search warrant and cause a search to be made in any place where such firearm may be concealed; and to that end said officer may, after demand and refusal, cause any building, room or enclosure to be broken open and entered, and any receptacle to be opened and its contents examined.

Arrest of persons with firearms believed to be aliens.

Section 53. Whoever, except as otherwise provided in this chapter, hunts or has in his possession a wild or undomesticated bird, except an English sparrow, bronzed or purple grackle (crow blackbird), crow, jay, starling, sharp-shinned hawk, Cooper's hawk, goshawk or great horned owl, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated bird, except such as are not protected by this section, shall be punished by a fine of not less than twenty nor more than fifty dollars for each bird taken, killed or had in possession or for each nest or egg disturbed, destroyed, possessed or taken; but an owner or tenant of land, or, if authorized by such owner or tenant, any member of his family or person permanently employed thereon, may kill or attempt to kill any wild bird which he has reasonable cause to believe has damaged or is about to damage any property, including domesticated animals, poultry and game on game-rearing farms or preserves, and a person who has a certificate from the director that he is engaged in the scientific study of ornithology or is collecting in the interests of a scientific institution may at any time take or kill, or take the nests or eggs of, a wild or undomesticated bird, except woodcock, ruffed grouse and quail. This section shall not authorize a person to enter upon private grounds without the

Hunting of certain birds prohibited.

Exceptions.

Penalty.

consent of the owner thereof for the purpose of taking nests or eggs or killing birds. No city, town, county or private organization shall offer or pay bounties for the killing or taking of any bird.

Taking of
woodcock,
etc., for
scientific
investigation.

Section 54. Upon request of the governing board of any educational institution within the commonwealth having power to grant the degree of M.D., Ph.D. or D.S., the director may issue written instructions to conservation officers to take, for the sole purpose of scientific investigation of diseases, woodcock, ruffed grouse and quail, or any of such species. Such instructions shall specify the number of such birds that may be taken, the times and places of taking, the persons to whom the same shall be delivered for such investigation and the manner in which the carcasses shall be finally disposed of.

Penalty for
killing or
possessing
certain birds,
etc.

Section 55. Whoever, except as provided in section fifty-three, has in possession the body or feathers of a bird, the taking or killing of which is prohibited by said section, whether taken in the commonwealth or elsewhere, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in section one hundred and thirteen; but this section shall not apply to non-residents of the commonwealth passing through it or temporarily dwelling therein.

Detention,
etc., of homing
pigeons
prohibited.

Section 56. No person, except the owner or his authorized agent, shall detain, hunt, injure or in any way interfere with a homing or carrier pigeon, or remove any identification mark, band or other thing from it.

Close season
in time of
drought, etc.

Proclamation
by governor.

Section 57. Whenever it shall appear to the governor that by reason of extreme drought there is danger of fires resulting from hunting, trapping, fishing or other cause, he may, with the advice and consent of the council, by proclamation suspend the opening or continuance of any or all open seasons established by this chapter, or any authorized extension thereof, and proclaim a close season on any or all birds, fish or mammals, for such time as he may therein designate, and may therein prohibit hunting, trapping, fishing and the possession of firearms on property of another during the same time, and he may, by the same or another proclamation and with like advice and consent, proclaim that any or all sections of the woodlands in the commonwealth where danger of fire might exist shall be closed for such time as he may therein designate to hunters, trappers, fishermen and such other persons as he deems proper under the circumstances, except the owners or tenants of such property and their agents and employees, or persons holding written permission from any such owner or tenant to enter thereon for any lawful purpose other than hunting, trapping or fishing. As soon as the fire hazard is deemed to be over the governor, for the purpose of providing just and reasonable facilities for hunting, trapping and fishing, in like manner and with like advice and consent, may extend any such open season for a period or periods not exceeding, in the

aggregate, the time of such suspension, and if by reason of any such extension such open season in whole or in part coincides with any other open season in such manner as to cause any conflict in the laws relating thereto, he may, in like manner and with like advice and consent, postpone such other open season for such time as may be necessary to avoid such conflict.

Every such proclamation shall take effect as therein stated. A proclamation issued under this section shall be published in such newspapers or posted in such places and in such manner under the direction of the department as the governor may order; but failure to comply with this paragraph shall not in any way invalidate any proclamation made under authority of this section. This section shall not apply to hunting on coastal waters.

Section 58. Sunday shall be close season on all wild birds and mammals, except as otherwise provided in this chapter. No person on Sunday shall hunt any bird or mammal of any kind or carry on that day upon his person a rifle or shotgun in any place where birds or mammals might be found.

Hunting on
Sunday
prohibited.

This section shall not prohibit the killing or attempted killing of a bird or mammal, by any owner or lessee upon his own property, actually damaging or likely to damage property, subject, however, to the same conditions and restrictions as would render such killing or attempted killing lawful on a secular day; nor shall it render unlawful the possession or carrying of a rifle or shotgun for such purpose or for the purpose of using the same in a sport or game lawfully conducted under the provisions of law authorizing sports and games on Sunday; nor shall it prohibit the taking of mammals by means of traps.

Exceptions.

Section 59. No person shall hunt a ruffed grouse, a quail, or a pheasant of any kind, except as provided in this chapter.

Hunting of
ruffed grouse,
etc., regulated.

The director shall declare an open season on ruffed grouse, quail, and pheasants of any kind, or any of such species, in any county where such open season seems advisable, and may make such rules and regulations relating to bag limit, time and length of open season and varieties to be taken, and all other matters connected with such open season, as he may deem necessary or expedient, and may suspend or modify the open season or modify the bag limit relative to ruffed grouse, quail and pheasants, or any of such species, whenever in his opinion such action becomes necessary.

Open season.
Bag limit.

Nothing in this section shall be deemed to prohibit the hunting of ruffed grouse, quail or pheasants in accordance with any provision of sections fifty-four, sixty and sixty-one, nor to permit the director to declare an open season in excess of thirty-two consecutive days, nor to declare a daily bag limit in excess of three, or a season bag limit in excess of fifteen, ruffed grouse.

Section 60. A person may hunt, upon land owned or occupied by him, a pheasant which he finds in the act of doing damage to any crop on cultivated land, or may authorize a

Hunting of
pheasants
damaging
land.

member of his family or person, other than an alien, employed by him on such land so to do. The person by whom or under whose direction a pheasant is so hunted shall within twenty-four hours thereafter make a written report to the director, stating the time, place and the number of pheasants so killed. Failure so to make such report shall be punished as provided in section one hundred and thirteen.

Nothing in this section or in section sixty-one shall be deemed to require any person who is a citizen of the United States and employed by the aforesaid owner or occupant to be licensed to hunt in carrying out any authority delegated to him under the preceding paragraph.

Section 61. A board, consisting of the commissioner of conservation, the commissioner of agriculture and the state ornithologist, acting in person or through their duly authorized agents, may from time to time determine and define the limits of districts within the commonwealth wherein permits to hunt ruffed grouse, as provided in this chapter, may be used. Said board shall serve without compensation and shall not incur any expense on account of the commonwealth. Upon application to the director, upon blank forms furnished by the division, by the owner or occupant of land in a district wherein a permit as aforesaid may be used, the director may grant to him a permit authorizing him, or a member of his family or a person, other than an alien, employed by him, to hunt on such land and, with the consent of the owners, on lands adjacent thereto, during the period between December first and April fifteenth following, any ruffed grouse which he has reasonable cause to believe has damaged or is about to damage any cultivated fruit trees or shrubs. No fee shall be charged for any such permit. The person by whom or under whose direction a ruffed grouse is so hunted shall within twenty-four hours thereafter make a written report to the director, stating the time, place and the number of grouse so killed. Such person shall retain possession of such grouse or the carcasses thereof for a period of five days, within which the director shall effect the disposition of the same for scientific purposes. The holder of any permit granted under this section who violates any provision of such permit or of this section shall forfeit such permit.

Section 62. No person shall hunt any species of the limicolae, commonly known as shore birds, snipe or woodcock, or any species of the rallidae, commonly known as rails, coots or gallinules, or of the anatidae, commonly known as ducks, geese, brants or swans, or have in possession any of said species, except as provided in this chapter. The director shall declare from time to time an open season on any such species, subject to such rules or regulations as he may prescribe; provided, that such open seasons shall not exceed those authorized by federal laws and rules and regulations relative thereto, and that such rules and regulations of the director shall not authorize any action not authorized by such federal laws, rules and regulations.

Determination
of districts in
which ruffed
grouse may
be hunted.
Permits.

Open season
on shore
birds, etc.
Rules and
regulations.

Section 63. Whenever, in the opinion of the director, any species of waterfowl or other migratory bird subject to federal regulation becomes a menace to the fisheries of the commonwealth or becomes a nuisance with respect to property, he may, in writing, authorize any person to take or kill such birds during any period when such taking or killing is otherwise unlawful, subject to such regulations as he may prescribe; provided, that such rules and regulations shall not authorize any action not authorized by federal laws, rules and regulations relative thereto.

Taking, etc., of waterfowl which becomes a menace, etc.

Section 64. Except as otherwise provided in this chapter, no person shall, except between October twentieth and the following November twentieth, both dates inclusive, hunt or have in possession the carcass of a gray squirrel, or at any time take, kill or have in possession the carcasses of more than five gray squirrels in one day or more than fifteen in one year, or take or kill at any time a gray squirrel by means of a trap or net, or for the purpose of taking or killing a gray squirrel construct or set a trap or net. This section shall not apply to the owner or occupant of any dwelling house or other building, or the owner of any fruit tree or of grain or other growing cultivated crop, finding any gray squirrel doing damage to the same.

Close season on gray squirrels.
Bag limit.

Section 65. No person, otherwise than as provided in section sixty-seven, shall hunt or have in possession the carcass of a hare or rabbit, except between November twentieth and the following last day of February, both dates inclusive, in Nantucket county, or between November fifteenth and the following February fifteenth, both dates inclusive, in Dukes county, or between October twentieth and the following February fifteenth, both dates inclusive, in any other county, or during such open seasons kill or have in possession the carcasses of more than two northern varying hares, otherwise known as Canada hares, snowshoe rabbits or white rabbits, or more than five rabbits commonly known as cottontail rabbits in any one day, or in Nantucket county more than three rabbits in any one day. This section shall not apply to European hares in the county of Berkshire, which may be taken or killed at any time.

Close season on hare or rabbit.
Bag limit.
Exception.

Section 66. No person shall remove or attempt to remove a hare or a rabbit from any hole in the ground, stone wall, from under any ledge, stone or log, and, except as provided in section sixty-seven, no person shall take or kill a hare or a rabbit by a trap or net, or for that purpose construct, tend or set a trap or net or use a ferret or a fitchew commonly known as a fitch (*Mustela putorius furo*); and no person shall have in possession a ferret or a fitchew without a permit authorizing him so to do. The director may upon application issue to a person a permit authorizing him to have ferrets or fitchews in his possession, under such rules and regulations as the director may prescribe, and may revoke said permit at any time if he has reason to believe that said ferrets or fitchews are kept or used for hunting hares or

Use and possession of ferrets, etc., regulated.

rabbits. Ferrets and fitchews, or either, used or had in possession in violation hereof shall be forfeited to the commonwealth and disposed of by the director for the best interests of the commonwealth.

Rabbits to be trapped in certain instances.

Section 67. An owner or tenant of land, or, if authorized by such owner or tenant, any member of his family or person, other than an alien, employed upon such land, may, upon such land, hunt, or take by means of a box trap, a rabbit or hare which such owner or tenant, or member or person so authorized, has reasonable cause to believe has damaged or is about to damage any vegetable, crop, fruit tree or other valuable growth on such land. An owner or tenant by whom or by whose authority hares or rabbits are so hunted or trapped shall within twenty-four hours thereafter make a written report to the director, stating the time and place and the number of hares and rabbits so taken and the disposition made of them.

Hunting, etc., of minks and other mammals regulated.

Section 68. Except as otherwise provided in this chapter, no person shall hunt or trap, or have in possession the living or dead bodies of, minks, otters, muskrats, opossums or raccoons; provided, that such mammals, other than opossums or raccoons, may be taken by hunting or trapping between November first and the following March first, both dates inclusive, and that opossums or raccoons may be taken with the aid or by the use of dogs or guns between October first and the following January first, both dates inclusive, and by trapping between November first and the following January first, both dates inclusive. No person shall remove or attempt to remove a raccoon from any hole in the ground, stone wall, from within any ledge, or from under any stone or from any hole in any log or tree. Not more than two raccoons shall be taken during any period from sunset of one day to sunset of the following day by any one person, or three raccoons by two or more persons hunting in one party, and not more than ten raccoons shall be taken by any person in any open season.

Except as authorized by this chapter, no person shall, between March second and the following October thirty-first, both dates inclusive, set, use, place, locate, tend or maintain any trap for the purpose of taking a mammal.

No person shall set, use, place, locate, tend or maintain any trap on the improved or enclosed land of another, or on land posted as provided in section one hundred, without the written consent of the owner or occupant of such land, nor shall any trap be set, used, placed, located, tended or maintained in a public way, cart road or path commonly used as a passageway for human beings or domestic animals.

No person shall set, use, place, locate, tend or maintain a trap within ten feet of a muskrat house, nor shall a muskrat house be torn open, disturbed or destroyed.

Every trap shall be marked with the name of the person using the same, in such a manner that it shall be legible at all times. Any trap set in violation of law shall be forfeited

to the commonwealth by any officer empowered to enforce this chapter and shall be disposed of by the director for the best interests of the commonwealth.

No person shall at any time set, use, place, locate, tend or maintain any trap not bearing his name as provided in preceding paragraph.

No person, except as provided in sections fourteen and ninety-three, shall hunt or possess a beaver at any time.

Section 69. An owner or tenant of land, or, if authorized by such owner or tenant, any member of his family or person, other than an alien, permanently employed upon such land, may, upon such land, hunt at any time any mammal, except deer, hares or rabbits, which has damaged or injured property or which the owner reasonably believes is likely to damage or injure property; and any such owner or tenant, at any time, and in such manner as may be necessary to protect said property from such mammals, except deer, hares or rabbits, may place, or may authorize any member of his family, or person, other than an alien, permanently employed by him, to place traps for the purpose of taking such mammals on said land.

Hunting of certain mammals by owners of land, etc., permitted, when.

Permits for same.

No such owner or tenant shall authorize any person, other than a member of his family or such a person, other than an alien, permanently employed by him, to place traps during other than the open season for the protection of said property, unless such owner or tenant has first obtained from the director a permit authorizing him so to do, which permits the director is hereby authorized to issue in his discretion. Any person so authorized by such owner or tenant, if not a member of his family or a person, other than an alien, so permanently employed by him, shall first obtain a trapping license under section five.

No carcass or skin of a protected mammal taken under authority of this section during other than the open season shall be sold. A written report shall be sent by every such owner to the director on or before January thirty-first of each year, stating the number and kinds of mammals taken under authority of this section.

Nothing in this section shall be deemed to prohibit the hunting or trapping of hares or rabbits as provided in section sixty-seven or the hunting of deer as provided in section seventy-eight or seventy-nine.

Section 70. Violation of any provision of section sixty-eight or sixty-nine shall be punished by a fine of not less than twenty nor more than one hundred dollars, in addition to any other penalty or forfeiture which may be imposed for taking, killing or having in possession any birds or mammals at any time or by any means contrary to law.

Penalty.

Section 71. No person shall at any time remove, by digging or otherwise, any mammal for which there is a close season, from any hole in the ground, stone wall, from within any ledge, or from any hole in any log or tree, upon the land of another, and no person, without first obtaining the writ-

Removal of certain mammals by digging, etc., prohibited.

ten permission of the land owner so to do, shall remove from any location as aforesaid any mammal for which there is no close season.

Use of steel traps prohibited.

Penalty.

Section 72. Except as otherwise provided in section sixty-nine, whoever sets, uses, places, locates, tends or maintains a trap commonly called a steel or jaw trap, with a spread of more than six inches, or a "stop-thief" trap or a dead fall trap with an opening of more than six inches, or a choke trap, or a trap with teeth on one or both jaws, shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Use of traps causing continued suffering regulated.

Penalty.

Section 73. Except as otherwise provided in section sixty-nine and subject to sections seventy-four and seventy-five, whoever uses, places, locates, sets, tends or maintains any trap or other device for the capture of fur-bearing mammals which is likely to cause continued suffering to a mammal caught therein, and which is not designed to kill such a mammal at once or to take it alive unhurt, shall be punished by a fine of fifty dollars; but this section shall not apply to traps or other devices for protection of property if set or maintained not more than fifty yards from any building, cultivated plot of land, or enclosure used for the rearing of poultry, including game birds, to the use of which building, plot or enclosure the presence of mammals, except deer or moose, may be detrimental.

Referendum on use of steel traps.

Section 74. If there is filed with the clerk of any city or town a petition signed by twenty-five registered voters thereof, or, in towns having a population of less than five hundred, signed by two per cent of the registered voters thereof, requesting such action, said clerk shall cause to be submitted to the voters of such city or town, at the next municipal election, the following question, to be voted on by ballot, said question to be placed on the official ballot in cities and in towns using official ballots at town elections, for the election of city and town officers: — "Shall the operation of section seventy-three of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing mammals the use of traps that kill at once or take such mammals alive unharmed, be suspended within this city (or town)?"

YES.	
NO.	

Or, if the operation of section seventy-three has been so suspended, the question: — "Shall section seventy-three of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing mammals the use of traps that kill at once or take such mammals alive unharmed, be again operative in this city (or town)?"

YES.	
NO.	

If a majority of the votes cast in such city or town in answer to the question submitted is in the affirmative, said section seventy-three shall not, or shall, as the case may be, thereafter apply in such city or town unless and until a majority of the voters thereof voting on the other question at a municipal election vote thereon in the affirmative.

Section 75. The commissioner, whenever in his opinion such action is necessary, may by order suspend for not exceeding thirty days the operation, within any specified territory under the control of the department and designated in such order, of section seventy-three. The provisions of section ninety-four, so far as apt, shall apply to such an order.

Commissioner may permit use of steel traps, when.

Section 76. Whoever fails to visit at least once in each calendar day a trap set, used, placed, located, tended or maintained by him shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Penalty for failure to visit traps.

Section 77. Whoever sets, uses, places, locates, tends or maintains a trap of any kind with a scent or scented bait shall be punished by a fine of not less than twenty nor more than fifty dollars or by imprisonment for not more than one month, or both. Nothing in this section shall be construed to prevent the using as bait of fruit, vegetables, fish, birds or mammals, or parts thereof; provided, that nothing is added thereto and that such bait is used in its natural state.

Use of scent and scented bait prohibited.

Penalty.

Section 78. Whoever constructs, erects, sets, uses, locates, repairs, tends or maintains any snare for the purpose of catching or killing any mammal, or hunts a mammal by such means or by the aid or use of any motor vehicle, or hunts a mammal by the aid or use of artificial light except as authorized herein, shall be punished by a fine of not less than fifty nor more than two hundred dollars. The construction, erection, setting, using, locating, repairing, tending or maintenance of any snare by any person shall be prima facie evidence of a violation by him of this section. Upon application to the director by the owner or occupant of land, the director may grant to him a permit authorizing him, or a member of his family, or a person, other than an alien, employed by him if authorized by him so to do, for such period during the close season for deer, not exceeding ninety days, as may be specified in the permit, to set or use a jacklight or any other artificial light, but not in conjunction with any motor vehicle, on such land for the purpose of taking, injuring or killing any deer thereon which he has reasonable cause to believe has damaged or is about to damage crops or fruit trees thereon; and in the event of the taking, injuring or killing of a deer as aforesaid, the person by whom or under whose direction the deer was taken, injured or killed shall within twenty-four hours thereafter send to the director a written report, signed by him, of the facts relative to the said taking, injuring or killing.

Use of snares, jacklights, etc., prohibited.

Penalty.

Exceptions.

The possession, except as authorized herein, during the period between one half hour after sunset and one half hour before sunrise, in any place where deer might be found, of a jacklight or any other artificial light and also any firearm and ammunition adapted to the hunting of deer, including a shotgun together with shotgun shells loaded with shot, bullet or ball larger than number one shot, but not including a rifle of not larger than twenty-two calibre, chambered to take not larger than twenty-two long rifle ammunition, so called,

or a pistol or revolver of not more than thirty-eight calibre, or the possession, except as authorized herein, during the period between one half hour before sunrise and one half hour after sunset, in any such place, of such a shotgun together with shotgun shells loaded as aforesaid, shall constitute prima facie evidence that the person in possession thereof is using the same for the purpose of hunting deer in violation of this chapter.

Nothing herein contained shall be construed as permitting any person to have in possession during the open season on deer any rifle, pistol or revolver in violation of section eighty-two; nor as prohibiting the possession or use of shotgun shells loaded with shot, bullet or ball larger than number one shot during the open season on deer; nor as prohibiting the hunting of raccoons or any unprotected mammal in a lawful manner with a jacklight or any other artificial light; provided, that no motor vehicle is used in conjunction with the use of such jacklight or any other artificial light.

Possession of the carcass of a deer penalized, when.

Section 79. Whoever, except as provided in this chapter, hunts or has in possession the carcass of a deer shall be punished by a fine of one hundred dollars; provided, that any person may, on land owned or occupied by him, hunt any deer which he has reasonable cause to believe has damaged or is about to damage crops, fruit or ornamental trees, except grass growing on uncultivated land; and he may authorize any member of his family, or any person, other than an alien, employed by him, so to hunt a deer under the circumstances above specified. In the event of the wounding or killing of a deer as aforesaid, the person by whom or under whose direction the deer was wounded or killed shall within twenty-four hours thereafter send to the director a written report, signed by him, of the facts relative to the said wounding or killing, including the time and place thereof, and the kind of tree or crop injured or destroyed, or about to be injured or destroyed, by the deer.

Open season on deer.

Methods of hunting, etc.

Reports to director.

Bag limit.

Penalty.

Section 80. Subject to the restrictions and provisions contained in this section and in section one hundred, any person duly authorized to hunt in the commonwealth may hunt a deer, by the use of a shotgun not larger than a ten gauge, or bow and arrow, in all counties between the hours of half past six o'clock in the morning, eastern standard time, and five o'clock in the afternoon, eastern standard time, of each day beginning with the first Monday in December and ending with the following Saturday, and in any or all of the counties of Berkshire, Franklin, Hampden and Hampshire, if the additional hunting period hereinafter specified is authorized in such county or counties by the director, as evidenced by an order filed in his office and advertised in a newspaper or newspapers published in such county or counties, not less than ten days prior to the first Monday in December, between the hours of half past six o'clock in the morning, eastern standard time, and five o'clock in the afternoon, eastern standard time, of each day, beginning with the

second Monday in December and ending with the following Saturday. No person, except as provided in section seventy-nine, shall kill more than one deer. No deer shall be hunted within the boundaries of any public lands subject to section eighty-nine. No person, except as provided in section seventy-eight, shall make, set or use any trap, torchlight or jacklight, salt lick or other device for the purpose of ensnaring, enticing, taking, injuring or killing a deer, nor hunt, drive, worry or disturb any deer with or by the aid of any noise-making device or devices. Whoever wounds or kills a deer shall within forty-eight hours thereafter send to the director a written report, signed by him, of the facts relative to the wounding or killing. This section shall not prohibit the hunting of deer in state forests acquired under section thirty or thirty-three of chapter one hundred and thirty-two or any other provision of law, or state parks and reservations under the control of the division of parks and reservations of the department; but the hunting of deer in any such state forest or park may be prohibited during the whole or any part of the open season for deer provided by this section, if and as prohibited by regulations made by the commissioner, authority to make such regulations being hereby granted to the commissioner.

No person during the open season on deer shall hunt in any county open to the hunting of deer while armed with any shotgun or bow and arrow if the person so hunting has killed a deer during the current season. This section shall not apply to hunting on coastal waters.

Whoever violates any provision of this section or of any regulation made thereunder, shall be punished by a fine of not less than fifty nor more than one hundred dollars.

The director, with the approval of the governor and council, may suspend or modify, in whole or in part, the open season on deer as provided in this section whenever he may deem such action necessary or expedient.

Section 81. No person shall use or carry on his person, while hunting, an arrow adapted for hunting purposes unless it is plainly marked with his name and permanent address.

Marking of
arrows used
in hunting.

Section 82. No person shall in any county, except in such counties as may then be closed to the hunting of deer, between the hours of half past six o'clock in the morning, eastern standard time, on the first Monday in December and five o'clock in the afternoon, eastern standard time, on the following Saturday, and no person shall, in Berkshire, Franklin, Hampshire or Hampden counties, between the hours of half past six o'clock in the morning, eastern standard time, on the second Monday in December and five o'clock in the afternoon, eastern standard time, on the following Saturday, if such additional period for hunting deer is authorized in such county or counties under section eighty, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog, or have in his possession, or under his control, in any wood or field, a rifle, revolver or pistol, or a dog adapted to

Hunting with
firearms
regulated.

the hunting or pursuing of birds or mammals, or, while in pursuit of birds or mammals, have in his possession, or under his control, on any highway, any such firearm or dog.

Compensation
for damage
caused by
deer, etc.

Method of
collection.

Section 83. Whoever suffers loss by the eating, browsing or trampling of his fruit or ornamental trees, vegetables, produce or crops by deer or moose, if the damage is done in a city may inform the officer of police thereof who shall be designated to receive such information by the mayor, and if the damage is done in a town may inform the chairman of the selectmen of such town, declaring the amount of such damage as nearly as he can determine the same. If the amount so declared does not exceed twenty dollars, the officer or chairman shall proceed to the premises and determine whether the damage was inflicted by such deer or moose, and, if so, appraise the amount thereof and within ten days after such appraisal is made return to the director a certificate of the damages fixed by such appraisal. If the amount of said damage is declared by the owner of the damaged property to exceed twenty dollars, said owner shall notify the director of said damage. The director, within eight days after receiving such notice, shall determine whether the damage was inflicted by such deer or moose, and, if so, he shall at once proceed to have an appraisal made under oath by three persons, one of whom shall be designated by the owner of the damaged property, one by the director and the third by the trustees for county aid to agriculture or of the county agricultural school of the county in which the damage occurred. Within ten days after such appraisal is made, the appraiser designated by the director as aforesaid shall return to the director a certificate of the damages fixed by such appraisal. The director shall, within thirty days after receiving such certificate, if he finds the claim to be just and the appraisal correct, endorse his approval thereon and transmit the same, with the cost of appraisal added, to the comptroller, and the amount so certified shall be paid by the commonwealth; provided, that if any doubt exists, the director may summon the appraisers and all parties interested and make such examination as he thinks proper and may cause the appraisers to review their appraisal, or cause a new appraisal or appraisals to be made as aforesaid by other appraisers designated and proceeding in the same manner as the original appraisers. Each appraiser, except when a paid official or employee of the commonwealth or of a county, shall receive compensation from the commonwealth at the rate of sixty-five cents per hour for not more than eight hours in any one day while acting as such and four and one half cents a mile for his necessary travel.

Any tree appraised in the manner above referred to as having been totally damaged, and for which compensation has been paid by the commonwealth under this section, may thereafter be removed by the director without further compensation therefor, or the director may mark or cause

to be marked in a suitable manner trees for which compensation has been paid.

Section 84. Whoever hunts a moose shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Penalty for hunting moose.

Section 85. Whoever, for the purpose of hunting, taking or killing any bird or mammal, discharges any firearm upon any state or paved highway, or within fifty yards of any such highway, or whoever hunts any bird or mammal within five hundred feet of any dwelling in use, except as authorized by the owner or occupant thereof, shall be punished by a fine of not less than twenty nor more than fifty dollars.

Hunting near state, etc., highways and dwellings prohibited.

Penalty.

Section 86. Whoever constructs, sets, uses, places, locates, maintains or tends a trap, net or snare for the purpose of taking or killing a bird, or takes a bird by any such means, or whoever hunts any bird with a swivel or pivot gun, or by the use of a torch, jacklight or any other artificial light, or by the aid or use of any vehicle, boat or floating device propelled by sail, steam, naphtha, gasoline, electricity, compressed air or similar motive power, or whoever for the purpose of taking or killing a wild bird, places or causes to be placed upon the shores or foreshores of, or in or upon, any waters within the commonwealth, grain of any kind shall be punished as provided in section one hundred and thirteen.

Penalty for hunting birds by traps, jacklights, etc.

Section 87. Whoever places poison in any form whatsoever for the purpose of killing any bird, or any mammal except as hereinafter specified, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or both; provided, that this section shall not prohibit any person from placing in his orchard or in or near his dwelling house, barn or other buildings, poison for the purpose of destroying rats, woodchucks or other pests of like nature, or from placing with like intent under the surface of his lands carbon disulphide in any of its forms or any other poison applied in a manner similar to that in which carbon disulphide is applied. The director is hereby authorized to make rules and regulations and, pursuant to the terms thereof, to issue permits to the owners of forest plantations to place poison for the extermination of rats, mice and other pests of like nature therein, and to landowners and employees of municipal, state and federal governments to place poison elsewhere, for the control of rats and mice only, in connection with public health, wood tick suppression and control, propagation and protection of other wild birds and mammals, and purposes of a similar nature. Possession of the raw fur of any mammal or the dead body of any bird killed by poison, except rats, mice, woodchucks or other pests of like nature, shall be prima facie evidence that the person having such possession has violated this section.

Killing of birds and certain mammals by poison prohibited.

Exception.

Penalty.

Dogs chasing deer.

Section 88. The director, conservation officers, deputies, any member of the state police, or any officer qualified to serve criminal process, may kill a dog found chasing or hunting deer at any time, if the dog is so chasing or hunting with the knowledge and consent of his owner or keeper, and the owner or keeper shall be punished by a fine of not less than twenty nor more than fifty dollars. If a dog has twice been found chasing or hunting deer, and the owner or keeper of the dog has been notified on each occasion by the director, and the same dog is thereafter found chasing or hunting deer, it shall be prima facie evidence that such chasing or hunting was with the knowledge and consent of the said owner or keeper.

Hunting on state reservations, etc., regulated.

Section 89. No person shall hunt, or in any manner molest or destroy, any bird or mammal within the boundaries of any state reservation, park, common, or any land owned or leased by the commonwealth or any political subdivision thereof, or any land held in trust for public use, except that the authorities or persons having the control and charge of such reservations, parks, commons or other lands may, with such limitations as they may deem advisable, authorize persons to hunt within said boundaries any of the unprotected birds named in section fifty-three, or the fur-bearing mammals mentioned in section sixty-eight, or foxes, weasels or wildcats. Such an authorization shall be by written license, revocable at the pleasure of the authority or person granting it. The boards, officials and persons having control and charge of such reservations, parks, commons or lands owned or leased or held for public use shall enforce this section.

This section shall not apply to state forests acquired under section thirty or thirty-three of chapter one hundred and thirty-two or any other provision of law, or to state parks and reservations under the control of the division of parks and reservations of the department. Nothing in this section shall be deemed to prohibit the metropolitan district commission from permitting the hunting of any bird or mammal during the legal open season on the same in any area under its control.

Commissioner may acquire land and accept funds in trust for propagation of useful mammals, etc.
Wild life sanctuaries.

Section 90. For the purpose of protecting any species of useful birds, mammals or fish, and for aiding the propagation thereof, the commissioner may acquire in fee by purchase, gift or devise, or may lease, or, with the consent of the owners, may control, any land, water or shore or the right to use the same, including the right of the public on such land or on or in such water or shore, as a wild life sanctuary. The commissioner, with the approval of the governor and council, may receive in trust for the commonwealth any grant or devise of land or any gift or bequest of personal property for the purpose of aiding in the propagation and protection of any useful birds, mammals or fish; provided, that, unless approved by the general court, no obligation shall be imposed on the commonwealth to expend

in the carrying out of any trust more than the income of the trust property, or more than the income and principal thereof if by the terms of the trust the principal may be expended. Any such gift or bequest of money or securities shall be transferred forthwith to the state treasurer, who shall administer it as provided in section sixteen of chapter ten.

Section 91. In respect to any territory mentioned in sections eighty-nine and ninety, the director of the division of wildlife research and management may make use of the land, water or shore within the territory as he deems best for the purpose of improving the feeding and nesting environment of birds or mammals, and may from time to time make such rules and regulations relating to such use as he deems proper, and such rules and regulations, when approved by the governor and council, shall have the force of law. The director of the division of wildlife research and management may liberate birds within the limits of the said territories, and, when in his opinion such action is advisable, co-operate with land owners within such territory in experiments in the propagation of birds or mammals. Whoever violates any provision of such rules or regulations shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not more than two months, or both.

Rules and regulations as to use of wild life sanctuaries. Penalty.

Section 92. For the purpose of providing public shooting grounds, the director may acquire by gift, and shall in his discretion acquire by leases not to exceed five years, lands and waters, except a brook or stream which is a source of or a tributary to a public water supply, within the commonwealth, or either of such lands or waters, or shooting rights thereon or therein, together with such rights of ingress to and egress from such lands or waters as may be necessary and proper. Said director may, subject to the provisions of section thirty-seven of chapter thirty, make rules and regulations relative to hunting on any lands or waters acquired under authority of this section, may provide a penalty, to consist of a fine of not to exceed twenty dollars, for any violation of any such rule or regulation, and may from time to time close or open such lands or waters, or any part thereof, for hunting.

Public shooting grounds.

Section 93. The director may authorize in writing any conservation officer, deputy, warden, or the owner or occupant of any land within any such territory, or any other responsible person, to hunt or trap, within the said territory and under the direction of the director, any mammals or birds which the director may consider harmful to other birds and mammals or to agriculture, or to take or remove the nests or eggs of any such first mentioned birds.

Hunting, etc., mammals, etc., harmful to other mammals, etc., in wild life sanctuaries.

Section 94. If an order is made by the commissioner establishing a wild life sanctuary, as provided in section ninety, he shall cause a copy of the order to be published once a week for two successive weeks in one or more news-

Establishment of wild life sanctuary, notice, publication, etc.

papers published in the counties embracing the territory, and shall cause copies of the order to be posted in conspicuous places within the cities and towns where the territory is situated, and also within the limits of the territory itself. If a great pond or any part thereof, or any seashore, is included within the territory, a copy of the order shall be filed in the office of the clerk of each city and town bordering upon the pond or seashore, and also in the office of the state secretary. An order made by the commissioner in accordance herewith shall take effect when posted as above provided, and shall contain a full description of the territory so established and the period for which it is closed.

Hunting, etc.,
in wild life
sanctuaries
regulated.

Section 95. Whenever such wild life sanctuary has been established by an order as provided in section ninety-four, no person, except as provided in section ninety-three, shall hunt or trap any bird or mammal within the said territory, or disturb or injure any nest, eggs or young of such bird or mammal, or remove the eggs or young from the nest.

Firearms, etc.,
barred from
wild life
sanctuaries.
Penalty.

Section 96. Except as provided in section ninety-three, no person shall enter with a firearm or any device adapted for killing or injuring birds or mammals or with a trap or snare upon any territory established in accordance with section ninety as a wild life sanctuary.

Whoever violates any provision of this section or section ninety-five shall be punished by a fine of not less than twenty nor more than one hundred dollars or by imprisonment for not more than two months, or both.

Migratory bird
reservations,
United States
may acquire
land, etc., for.

Section 97. Consent of the commonwealth is hereby given to the acquisition by the United States, by purchase, gift, devise or lease, of such areas of land or water, or of land and water, in the commonwealth, as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the act of congress approved February eighteenth, nineteen hundred and twenty-nine, known as the migratory bird conservation act, and acts in amendment thereof and in addition thereto or in substitution therefor, reserving, however, to the commonwealth full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of congress.

Nothing in this section shall be deemed to permit the acquisition by the United States of any land or water, or any land and water, without the prior approval of such acquisition by the commissioner.

Possession,
etc., of fire-
arms in motor
vehicles, etc.,
regulated.
Penalty.

Section 98. No person other than a conservation officer, deputy, warden, member of the state or local police, special officer or persons charged with the protection of persons or property while acting in the discharge of their respective duties as such, shall, except upon land owned or occupied by him, have in his possession or under his control in any motor vehicle or motor boat a loaded shotgun or rifle; and any person shall, upon the demand of any officer authorized

to enforce this chapter, display for inspection any shotgun or rifle in his possession or under his control in a motor vehicle while not on property owned or occupied by him. Whoever violates any provision of this section shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Section 99. Officers in charge of public buildings in cities and such officers as the selectmen designate and appoint in towns may take such reasonable means and use such appliances, except poison, as in their judgment will effectively exterminate the English sparrow and starling in such cities and towns, but nothing herein shall authorize an officer to enter on private property without the consent of the owner or occupant thereof. Whoever wilfully resists such officers while engaged in such duties or knowingly interferes with the means used by them for such purpose shall be punished by a fine of not less than twenty nor more than fifty dollars.

Extermination
of English
sparrows.

Section 100. Whoever fishes, hunts or traps on private land without permission of the owner or tenant thereof, after such owner or tenant has conspicuously posted thereon notices, bearing thereon the name of such owner or tenant, stating thereon that fishing, hunting or trapping thereon, as the case may be, is prohibited, shall be punished by a fine of not more than twenty dollars.

Penalty for
hunting, etc.,
on posted land.

Section 101. No person, except as provided in this chapter shall buy, sell, barter, exchange, or in any way deal in or trade with respect to, the dead or living bodies of birds or mammals, or parts thereof, protected by the law in this commonwealth, whenever and wherever taken or killed. Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment for not more than thirty days, or both.

Buying, sell-
ing, etc., of
dead birds and
mammals
prohibited.
Penalty.

Section 102. Any fish, game birds or game mammals lawfully taken or lawfully propagated without the commonwealth may be purchased by any dealer licensed under section one hundred and seven; provided, that the export and sale is lawful in the state, province or country in which said fish, birds or mammals are taken or from which they are exported, as the case may be; and provided, further, that all shipments shall bear the name of the consignee, the name of the consignor and, if enclosed, a statement of the contents contained therein, the tag, license or permit number, as the case may be, under which the propagation, sale or export is made, and that to the carcass of each fish, bird or mammal, or part thereof, as the case may be, is attached whatever mark of identification is required by the state, province or country from which the carcass, or part thereof, of, or the carton, package, box or crate containing, such fish, birds or mammals is shipped, transported or delivered to any point within this commonwealth; and provided, further, that such sale, transportation or exportation is not contrary to federal legislation or regulation. The burden of proof that skins of

Sale of deer,
etc., and game
birds lawfully
taken outside
state, regu-
lated.

mammals subject to this section were lawfully taken shall be upon the person possessing the same.

Every dealer purchasing or dealing in any fish, birds or mammals subject to this section shall, before offering the same for sale, attach to the body of each fish or bird, and to each mammal or part thereof, a numbered tag as provided in section one hundred and five or such other identification mark or wrapper as the director may prescribe by rule or regulation which he is authorized to make. Tags required hereunder for fish shall be furnished by the director at cost.

Section 103. No person, except as provided in section one hundred and seven, shall purchase or receive minks, otters, muskrats, raccoons, skunks, foxes, wildcats, opossums, fitchews commonly known as fitch or weasels (*mustela putorius furo*), or the skins or pelts of the same, or of any other fur-bearing mammals, unless such person shall have first obtained a fur buyer's license from the director, which licenses the director is hereby authorized to issue to the following classes of persons upon payment of fees as herein-after provided:

(1) A citizen of the United States, resident in this commonwealth for at least six consecutive months immediately prior to his application for such license, a "Resident Citizen's Fur Buyer's License" upon payment of a fee of ten dollars; or

(2) A citizen of the United States, non-resident in this commonwealth, a "Non-Resident Citizen's Fur Buyer's License" upon payment of a fee of twenty-five dollars.

All licenses issued hereunder shall expire on the thirty-first day of December in the year of issue. The director may for cause revoke any such license.

Except as otherwise authorized by this section, no person shall ship, transport or deliver, by parcel post, common carrier, or otherwise, the skin of any fur-bearing mammal unless each shipment shall bear the name and address of the consignee and consignor and the kind and number of skins shipped.

No common carrier or his agent shall receive within the commonwealth skins or pelts, unless marked as hereinbefore required.

No person shall, within the commonwealth, wilfully remove, mutilate or destroy any part of a tag or identification attached to a container in which such skins are being shipped.

Nothing in this section shall be construed to prevent the shipment of skins of mammals out of this commonwealth by any person holding a license under this section or section one hundred and five; provided, that his license number and the contents of the package are plainly marked thereon in the English language; nor shall it prohibit the purchase of a skin or skins from a licensed fur dealer, hunter or trapper for the personal use of the purchaser and not for sale.

Any skin or pelt as to which a violation of any provision of this section has occurred shall be forfeited to the com-

License
required for
purchase of
certain furs.

Requirements
for, etc.

Penalty.

monwealth and shall be disposed of by the director for the best interests of the commonwealth.

An accurate account of all dealings subject to this section shall be kept by each licensee hereunder, including the names of all persons from whom skins have been obtained or to whom skins have been sold or otherwise disposed of, and said records shall be open for inspection at all reasonable times by the director or his authorized agents.

Any person licensed hereunder may from time to time designate any person employed by him to act as sole agent for him at his established place of business in this commonwealth. The name and address of such person shall be filed forthwith by such licensee with the director, and no person other than those currently so designated shall act as the agent of the licensee.

Whoever violates any provision of this section shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars; and, in addition, any license issued under this section to such person found guilty of or convicted of, or penalized in any manner for, violating any provision of this section shall be void and shall immediately be surrendered to the director or his authorized agent.

Section 104. The director is hereby authorized to issue a "Taxidermist's License", upon payment of a fee of five dollars, to any person residing in or maintaining an established business in this commonwealth. Any licensee hereunder may practice taxidermy for profit and may receive from any person any fish, bird or mammal which has been lawfully taken or accidentally killed, may keep such specimen, or any part thereof, in possession indefinitely, may tan, cure, mount or preserve the same, either himself or through any authorized employee, and may sell or dispose of any unclaimed specimen to any person for the tanning, curing, mounting or preserving charge only; and may mount, or acquire and sell, any fish, bird or mammal which was raised under authority of a propagating license issued under section one hundred and seven. Before any such specimen is sold, shipped or transported to a non-resident of this commonwealth a permit therefor shall be obtained from the director.

Taxidermists
licensed.

Conduct of
business of
taxidermy
in general.

No taxidermist shall mount, tan, cure or otherwise preserve, as the case may be, any fish, bird or mammal, or part thereof, protected by this chapter, which was not lawfully taken or killed during the open season, or under the authority of a propagator's license, until the owner thereof presents a permit therefor obtained from the director; authority to issue, without fee, any permit authorized by this section being hereby granted to the director.

The holder of such license issued under this section may ship from, or remove or permit the removal out of, the commonwealth of any specimen of a fish, bird or mammal, or part thereof, protected by this chapter, which was lawfully taken or is otherwise lawfully possessed by a non-resident of

the commonwealth and shipped or delivered to the holder of such license for mounting, tanning, curing or preserving; provided, that the package or container containing the same is plainly marked in the English language and that a permit has been granted by the director authorizing such export; and any such licensee may ship from the commonwealth, or remove or permit the removal out of the commonwealth of, any such specimen or part thereof so taken or possessed and so shipped or delivered, to any person lawfully engaged in fur-dressing, tanning, curing or taxidermy in another state, but solely for the purpose of dressing, tanning, curing or mounting, and return to such licensee.

All licenses issued hereunder shall expire on the thirty-first day of December in the year of issue. The director may for cause revoke any license issued under this section.

Possession
of live birds
and mammals
protected by
law, regulated.

Propagator's
license.

Section 105. Except as otherwise provided in this chapter, no person shall have in his possession at any time a live bird or mammal which is protected by this chapter; but the director, upon written application to him, may issue to any person one or more propagator's licenses under section one hundred and seven.

Birds or mammals had in possession under any such license may be sold at any time, except that if sold for food they shall be killed, and shall be tagged as follows: — To the carcass of each bird and mammal or part thereof, shall be affixed a numbered tag, to be supplied by the director at a cost of five cents each and in accordance with rules and regulations which the director is hereby authorized to make. Every package containing birds or mammals killed under authority of this section, or parts of such birds or mammals, shall be plainly labelled in the English language with the name of the holder of the license by whom, or under whose authority, such birds or mammals were killed, with the name of the consignee, and with a statement of the number and kind of birds or mammals, or parts thereof, contained therein. All carcasses or parts thereof shall remain entire and un-plucked until the time when they are prepared for consumption as food. The sale of any carcass, or part thereof, not having at the time affixed thereto the tag required by this section shall be punished as provided in section one hundred and thirteen.

Nothing herein shall be construed to permit the possession of a live bird or mammal by a person purchasing or receiving such bird or mammal from a holder of a propagator's license unless such purchaser or receiver shall also hold a license under this chapter authorizing him so to possess.

An accurate account of all dealings subject to this section shall be kept by each licensee hereunder, including the names of persons from whom any birds or mammals, alive or dead, or parts thereof, have been obtained or to whom any such birds or mammals, or parts thereof, have been sold or otherwise disposed of, and said records shall be open for inspection

at all reasonable times by the director or his authorized agents.

No person licensed under authority of this section shall transfer any live bird, or the eggs thereof, or any live mammal, to any person by means of sale, gift, donation or otherwise, unless such last mentioned person shall first be thereunto licensed under section one hundred and seven.

Nothing in this section shall be construed to prohibit the transportation to, or use at, a gunning stand or blind of live duck or goose decoys when the use of such duck or goose decoys is authorized or permitted by federal and state laws, rules and regulations.

Section 106. The director, upon written application to him, may issue to any person a dealer's license under clause (6) of section one hundred and seven, authorizing the holder thereof to engage in the business of buying, selling or offering for sale, for food purposes, the carcasses, or parts thereof, of fish, birds or mammals protected by this chapter and tagged in accordance with the pertinent provisions of this chapter and, as to fish, with such rules and regulations governing the dealing in fish as the director may lawfully make; provided, that any person holding a propagator's license may sell or offer for sale, birds or mammals, alive or dead, or parts thereof, in accordance with section one hundred and seven without procuring a dealer's license; and provided, further, that any person licensed under clause (3) of section one hundred and seven to propagate, cultivate and maintain fish, or to sell, or offer the same for sale, alive or for food purposes, may do so without procuring a license under said clause (6).

Licenses to deal in, etc., birds and mammals protected by law.

No license shall be required of any person purchasing any such fish, bird or mammal, or part thereof, for his own personal use for food, from a person holding a license under section one hundred and five.

Section 107. No person shall engage in the propagation, cultivation or maintenance of, or the dealing in fish, birds or mammals, or parts thereof, as provided in section thirty-nine, one hundred and five or one hundred and six without first having obtained a propagator's or dealer's license, as the case may be, authorizing him so to do.

License to engage in propagation of, etc., and dealing in, fish, etc.

Rules and regulations.

Penalty.

The director, with the approval of the governor and council, may make, and may alter, amend or repeal, rules and regulations governing the possession, propagation, maintenance, disposition, purchase, exchange, sale or offering for sale of fish, birds or mammals, or parts thereof, protected by this chapter; and may issue licenses in accordance with such rules and regulations. Each such license shall specify the degree to which fish, birds, or mammals, or parts thereof, may be propagated, cultivated, maintained, disposed of, or dealt in, and the section with respect to which such license is issued.

No person, club or association operating under authority of a license issued as hereinbefore provided shall sell for food

fish if of a size prohibited by this chapter or by any rule or regulation made under authority thereof.

Whoever violates any provision of section thirty-nine or of sections one hundred and two to one hundred and six, inclusive, or of this section, or of any rule or regulation made under authority of any of said sections, or counterfeits or uses again any tags used as provided in section one hundred and two, one hundred and five or one hundred and six, or any rule or regulation relative thereto made under authority of any of said sections, shall for the first offence be punished as provided in section one hundred and thirteen and for a subsequent offence by imprisonment for not more than three months.

Licenses, to
whom issued.

Licenses under this section shall be issued to the following classes of persons: —

(1) To any individual, a special propagator's license to possess, propagate and maintain fish at any time for the personal use of himself, his immediate family or guests; or to any club or association, or its members or guests, a special propagator's license to possess, propagate and maintain fish at any time for the purpose of fishing within waters under the control of such club or association for the personal use of the members or guests thereof.

(2) To any individual, club or association, a special propagator's license to possess, propagate and maintain fish for the purpose of liberation into public waters, for which there shall be no fee.

(3) To any individual, club or association, a propagator's license to possess, propagate, maintain, buy, sell or otherwise dispose of fish at any season of the year.

(4) To any individual, a propagator's license to possess, maintain, buy, sell, offer for sale or have in possession for the purpose of sale birds or mammals.

(5) To any individual, club or association, a special propagator's license to possess birds or mammals to propagate for the purpose of liberation into covers open to public hunting, for which there shall be no fee.

(6) To any individual, a dealer's license to possess, buy, sell, or offer for sale, fish, birds or mammals lawfully taken or lawfully propagated without the commonwealth or lawfully propagated within the commonwealth.

(7) To any individual, a license to possess, but not to sell except under authority of a permit from the director, authority to issue such permits being hereby granted to the director, an individual bird or mammal as a pet, or for the purpose of training dogs.

Fees.

The initial fee for a license issued in accordance with this section under clauses (3), (4) and (6) shall be five dollars, and for each annual renewal thereof three dollars; the initial fee for a license issued under clause (1) shall be two dollars, and for each annual renewal thereof one dollar; and the initial fee for a license issued under clause (7) shall be one dollar, and for each annual renewal thereof fifty cents.

All licenses issued under clauses (1) to (7), inclusive, of this section shall expire on December thirty-first of the year of issue unless sooner revoked for cause.

Section 108. Sections one hundred and one to one hundred and seven, inclusive, shall not apply to natural history associations and museums or zoos, so called, open to the public, and sections one hundred and two to one hundred and six, inclusive, shall not apply to holders of the certificates provided for in section fifty-three.

Application of chapter limited.

Section 109. Whoever in any city or town kills a wildcat, Canada lynx or loupcervier not being in captivity shall, upon producing satisfactory evidence of such killing, be entitled to receive from the treasury of the city or town the sum of ten dollars, and all sums so paid out shall be repaid to the city or town treasurer by the treasurer of the county where the city or town is situated; provided, that a sworn statement thereof shall be transmitted by the city or town treasurer to the county treasurer.

Bounty on wild cat, etc.

Section 110. No person shall conduct or maintain a gunning stand or blind unless it is registered as hereinafter provided. For the purpose of this section, a gunning stand or blind shall mean any building or blind, so called, conducted and maintained for the purpose of taking anatidae by the use of live duck and goose decoys on the shore of any body of water or on any tidal marshes, flats or beaches. Whoever violates any provision of this paragraph shall be punished by a fine of not less than twenty nor more than one hundred dollars.

Certificates of registration for gunning blinds, etc.

Fee.

Duplicate certificate.

The director shall, upon application of any person, issue a certificate of registration of a gunning stand or blind. Such application shall be signed by the applicant, or, if the applicant is an association or corporation, by all the members or stockholders thereof, shall be made upon a blank furnished by the director, shall contain such information as may be required by the director, and shall be accompanied by a fee of two dollars and seventy-five cents. The certificate of registration shall bear the name and address of the person conducting or maintaining such stand or blind and its location. Said certificate shall be valid for use to and including the following December thirty-first. The director may revoke any such certificate of registration if it appears to him that there has been any violation of this chapter upon the registered premises, and shall not issue a new certificate to the same registrant or covering the same premises for a period of one year following its revocation.

Any person who loses, or by mistake or accident destroys, any certificate issued under authority of this section may, upon application to the director, accompanied by an affidavit setting forth the circumstances of such loss, receive a duplicate certificate upon the payment of a fee of fifty cents.

Section 111. No person shall bring or cause to be brought into the commonwealth any live bird or mammal protected by this chapter, or any member of the family sciuridae of the

Importation of certain birds and mammals regulated.

Penalty.

order rodentia, unless he first obtains a permit so to do from the director, nor shall any person liberate any bird or mammal, wild by nature, other than birds used as decoys at the time of such liberation, except in accordance with the provisions of an outstanding permit issued to him. The director may issue such a permit and may include therein reasonable conditions as to the importation, inspection and liberation of said birds or mammals; and he may at any time for cause revoke such a permit. He may make, and may alter, amend or repeal, reasonable rules and regulations relative to the issue of such permits and to the importation, inspection and liberation of birds and mammals which are wild by nature. Whoever violates any condition of a permit granted hereunder shall be punished as provided in section one hundred and thirteen.

Any such bird or mammal which is brought into the commonwealth in violation of this section, or which is so brought under authority of a permit granted hereunder and is found upon inspection to be diseased, may be confiscated by any officer empowered to enforce this chapter and shall be forfeited to the commonwealth and shall be disposed of by the director for the best interests of the commonwealth.

Training of
hunting dogs.

Section 112. Nothing in this chapter shall be construed to prohibit the training of hunting dogs, so called; provided, that, except during the open seasons provided by this chapter, no firearms may be carried by the person so training such dogs; nor shall it be construed to prevent the holding of field trials for such dogs, if authorized by a permit from the director and conducted in accordance with such rules and regulations as he may prescribe, authority to issue such permits and to make, alter, amend and repeal, such rules and regulations being hereby granted to him. Nothing in this chapter shall be construed to require a person attending or participating in such a field trial to secure sporting or hunting licenses; provided, that no firearms are carried by such person and no birds or mammals are taken or killed by him.

Penalty and
forfeiture.

Section 113. Unless the context otherwise requires, a violation of any provision of this chapter, or of any rule or regulation made under authority thereof, for which no other penalty is provided, shall be punished by a fine of not less than ten nor more than fifty dollars for each fish, bird or mammal, or part thereof, in respect to which such violation occurs, or each provision, rule or regulation in respect to which such violation occurs. Any net, trap, snare, jacklight or other similar device used by any person in violation of any provision of said chapter, or of any such rule or regulation, and any bird or mammal taken in violation of any provision of said chapter, or of any such rule or regulation, shall, upon a finding of guilty, be forfeited to the commonwealth and shall be disposed of by the director for the best interests of the commonwealth.

MISCELLANEOUS PROVISIONS.

Section 114. For the purposes of this chapter, no tidal stream shall be considered navigable above the point where, on the average throughout the year, it has a channel less than forty feet wide and four feet deep during the three hours nearest the hour of high tide.

Tidal stream defined.

Section 115. Actions and prosecutions under this chapter shall, unless otherwise expressly provided, be commenced within two years after the time when the cause of action accrued or the offence was committed.

Limitation of actions.

Section 116. This chapter shall not be deemed to affect any provisions or penalties contained, or any privileges granted, in any special statute relating to fisheries in any particular place.

Special laws not repealed.

Section 117. Whoever, while intoxicated, hunts or carries a rifle or shotgun while hunting, shall be punished by a fine of not less than ten nor more than fifty dollars.

Hunting while intoxicated.
Penalty.

Section 118. If any part, section or subdivision of this chapter, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, the remainder hereof, or the application of any such part, section or subdivision to other persons and conditions, shall not be affected thereby.

Partial invalidity of chapter, effect of.

SECTION 3. Chapter twenty-one of the General Laws is hereby amended by inserting after section six, as appearing in the Tercentenary Edition, the following new section:—

G. L. (Ter. Ed.), 21, new § 6A, inserted.

Section 6A. There shall be in the division a bureau of law enforcement, under the charge of a chief conservation officer. All conservation officers, deputy conservation officers and fish and game wardens of the division shall be assigned to duty in said bureau. The director shall, subject to the provisions of section three, enforce chapter one hundred and thirty-one and all other provisions of law relative to inland fisheries, birds and mammals and in the enforcement thereof may act through said bureau. The director shall, subject to the provisions of section three, have general supervision of all such enforcement officers.

Bureau of law enforcement created.

SECTION 4. Clause (41) of section five of chapter forty of the General Laws, inserted by section one of chapter one hundred and forty-two of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the fourth line, the words "twenty-nine A" and inserting in place thereof the word:— thirty-one, — so as to read as follows:— (41) For the purpose of stocking ponds and other inland waters, located within the town limits, with fish and of liberating game, as defined in section one of chapter one hundred and thirty-one, within said limits and to meet necessary expenses incidental thereto, including the feeding of game so liberated, a sum not to exceed five hundred dollars. Two or more towns bordering upon the same pond or other inland waters may join in stocking the same here-

G. L. (Ter. Ed.), 40, § 5, cl. (41), etc., amended.

Stocking waters with fish, etc., funds for.

under. The stocking of waters with fish and the liberation of game hereunder shall be subject to the written approval of the director of the division of fisheries and game of the department of conservation.

Civil service
status of certain
employees
unimpaired.

SECTION 4A. Employees of the division of fisheries and game of the department of conservation who are assigned to duty in the bureau of law enforcement in said division, as provided in section three of this act, and who are subject to the civil service laws, shall serve in said bureau without impairment of their civil service status, shall retain any step increases from the minimum pay of their grade earned during their service prior to said assignment, and for retirement purposes their service with the commonwealth shall be deemed to be creditable service.

Construction
of act.
Department of
public health.

SECTION 5. Nothing in this act shall be construed as authorizing any violation of the rules and regulations adopted by the department of public health to prevent the pollution and secure the sanitary protection of waters used as sources of water supply under any provision of section one hundred and sixty of chapter one hundred and eleven and section seventeen of chapter ninety-two of the General Laws.

Construction
of act.
Metropolitan
district com-
mission.

SECTION 5A. Nothing in this act shall be construed as authorizing any person, without a permit from the metropolitan district commission, to enter or go upon the land of the water division of said commission or to authorize any violation of any rule or regulation adopted by the commission to prevent the pollution and to secure the sanitary protection of the waters used as sources of water supply for the metropolitan water district.

Expiration
of existing
licenses.

SECTION 6. All permits, licenses and certificates of registration issued under authority of any provision of chapter one hundred and thirty-one of the General Laws, as in force immediately prior to the effective date of this act, or issued under corresponding provisions of earlier laws, and in force and effect on said effective date, shall expire December thirty-first, nineteen hundred and forty-one.

Effective
date.

SECTION 7. This act shall become effective on January first, nineteen hundred and forty-two.

Approved August 2, 1941.

Chap.600 AN ACT RELATIVE TO PAYMENT OF THE COMPENSATION OF MEMBERS OF THE GENERAL COURT.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to provide for payments on account of compensation to members of the general court, during the current session, in addition to those now authorized by law, so that the payment of a substantial part of the compensation of such members may not be unduly deferred by the unusual prolongation of the session, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter three of the General Laws, as most recently amended by section one of chapter three hundred and seven of the acts of nineteen hundred and forty-one, is hereby further amended by inserting after the word "session" in the twenty-second line the words: — , or eight hundred dollars if such session continues beyond July first, — so as to read as follows:— *Section 9.* Each member of the general court shall receive, for the regular session, twenty-five hundred dollars, and also four dollars and twenty cents for every mile of ordinary traveling distance from his place of abode to the place of sitting of the general court. The president of the senate and the speaker of the house of representatives shall each receive twenty-five hundred dollars additional compensation. Each member of the general court shall be entitled to be paid his compensation for such regular session at the rate of two hundred dollars for each full month of the session. Such payments shall be made to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the day preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer, in his discretion, may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request therefor, but the amount of such additional payments shall not exceed, in the aggregate, three hundred dollars in any one such session, or eight hundred dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

G. L. (Ter. Ed.), 3, § 9, etc., amended.

Compensation of members of general court.

Each member shall receive, for the second year of the term for which he is elected, five hundred dollars as an allowance to meet expenses incurred by him as such member while the general court is in recess, and said allowance shall be paid in full during the month of January of said second year.

SECTION 2. It is hereby declared to be the intent of the general court that all the amendments of section nine of chapter three of the General Laws, made by section one of chapter three hundred and seven of the acts of nineteen hundred and forty-one and by this act, shall take effect as soon as this act has the force of law, conformably to the constitution.

Effective date of act.

Approved August 2, 1941.

Chap. 601 AN ACT FURTHER REGULATING THE FILING OF NOTICES OF INTENTION OF MARRIAGE, AND THE DELIVERY OF CERTIFICATES OF SUCH INTENTION AND THE RETURN OF UNUSED CERTIFICATES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 207, new § 20B, inserted.

Certificate of physician to accompany notice of intention of marriage.

Penalty.

SECTION 1. Chapter two hundred and seven of the General Laws is hereby amended by inserting after section twenty A, inserted by section three of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-nine, the following new section:— *Section 20B.* Except as hereinafter provided, such notice of intention of marriage shall not be accepted by the clerk or registrar until he has received from each party to the intended marriage a certificate signed by a registered physician who has examined such party as hereinafter provided. If such physician, in making such examination, discovers evidence of any infectious disease declared by the state department of public health to be dangerous to the public health, he shall inform both parties of the nature of such infectious disease and of the possibilities of transmitting the same to his or her marital partner or to their children. Such examination shall include a standard serological test for syphilis and said test shall be made by a laboratory of said department or by a laboratory approved by it for such test.

Such certificate shall read as follows:— I (name and address of physician), a registered physician of (city or town) in the commonwealth of Massachusetts on oath declare that on (day, month, year) I examined (name and address of party) in accordance with section twenty B of chapter two hundred and seven of the General Laws.

The examination by such physician and the laboratory test shall be made not more than thirty days before the filing of the notice of intention of marriage. Whoever fails to comply with this section shall be punished by a fine of not less than ten nor more than one hundred dollars. In extraordinary or emergency cases where the death of either party is imminent or where the female is near the termination of her pregnancy, upon the authoritative request of a minister, clergyman, priest, rabbi or attending physician, the clerk or register may accept such notice of intention without having received the physician's certificate hereinbefore referred to.

G. L. (Ter. Ed.), 207, § 28, amended.

Certificate of intention of marriage.

SECTION 2. Section twenty-eight of said chapter two hundred and seven, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third and in the eleventh lines, the words "six months" and inserting in place thereof, in each instance, the words:— sixty days,— so as to read as follows:— *Section 28.* On or after the fifth day from the filing of notice of intention of marriage, except as otherwise provided, but not in any event later than sixty days after such filing, the clerk or registrar shall deliver

to the parties a certificate signed by him, specifying the date when notice was filed with him and all facts relative to the marriage which are required by law to be ascertained and recorded, except those relative to the person by whom the marriage is to be solemnized. Such certificate shall be delivered to the minister or magistrate before whom the marriage is to be contracted, before he proceeds to solemnize the same. If such certificate is not sooner used, it shall be returned to the office issuing it within sixty days after the date when notice of intention of marriage was filed.

SECTION 3. Section fifty-seven of said chapter two hundred and seven, as so appearing, is hereby amended by striking out, in the second and in the fourth and fifth lines, the words "six months" and inserting in place thereof, in each instance, the words: — sixty days, — so as to read as follows: — *Section 57.* Whoever performs a ceremony of marriage upon a certificate more than sixty days after the filing of the notice of intention of marriage as set forth in such certificate, and whoever having taken out such certificate and not having used it fails to return it, within sixty days after such filing, to the office issuing the same, shall be punished by a fine of not more than ten dollars.

G. L. (Ter. Ed.), 207, § 57, amended.

Penalty for failure to return certificate of intention of marriage.

SECTION 4. This act shall not affect any certificate referred to in section twenty-eight of chapter two hundred and seven of the General Laws which was lawfully issued and outstanding upon the effective date of this act.

Certificates lawfully issued before effective date of act.

Approved August 2, 1941.

AN ACT AUTHORIZING THE TOWN OF MANSFIELD TO BORROW *Chap. 602*
MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of acquiring land for and constructing a school building and of originally equipping and furnishing such building, the town of Mansfield may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Mansfield School Building Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its passage.

Approved August 2, 1941.

Chap. 603 AN ACT GRANTING TO THE UNITED STATES OF AMERICA THE RIGHT, TITLE AND INTEREST OF THE COMMONWEALTH IN AND TO SLABBERY POND AND SMOOTH POND IN THE WEST-OVER FIELD ARMY AIR BASE AND CEDING JURISDICTION OVER SUCH PONDS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which, in view of the present national emergency, is to make available at once to the war department land which is needed for military purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and safety.

Be it enacted, etc., as follows:

SECTION 1. There is hereby granted to the United States of America all the right, title and interest which the commonwealth has the power to convey in and to Slabbery pond and Smooth pond, including the waters and lands under the same situated at the Westover Field Army Air Base in Chicopee. The department of public works is hereby authorized and directed to execute and deliver to the said United States a good and sufficient deed of conveyance, approved as to form by the attorney general, as evidence of this grant.

SECTION 2. Upon the transfer of the area described in section one to the United States of America and the filing of a copy of a plan of such area by said United States, acting by its properly authorized agent, in the office of the state secretary, jurisdiction over said area shall be granted and ceded to said United States, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with said United States in and over said area, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said area and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been made; provided, that the title to, and the exclusive jurisdiction over, said area shall revert to and revest in the commonwealth whenever said area shall cease to be used by said United States for airport purposes.

The United States government is hereby authorized to place such structures in or over such area as may be necessary for the purpose for which the same is authorized to be transferred.

Approved August 2, 1941.

AN ACT FURTHER REGULATING THE PROCEDURE RELATIVE TO THE BUDGET AND APPROPRIATIONS OF THE CITY OF BOSTON AND THE COUNTY OF SUFFOLK. *Chap. 604*

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-six of the acts of nineteen hundred and nine is hereby amended by striking out section three, as amended by section two of chapter four hundred and seventy-nine of the acts of nineteen hundred and twenty-four, and inserting in place thereof the three following sections:—*Section 3.* All appropriations, other than for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the mayor, who, not later than the first Monday in February of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the current fiscal year, and may submit thereafter such supplementary appropriation orders, as he may deem necessary. The city council may reduce or reject any item, but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the first Monday in April the city council shall take definite action on the annual budget by adopting, reducing or rejecting it, and in the event of their failure so to do the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. It shall be the duty of the city and county officials, when requested by the mayor, to submit forthwith in such detail as he may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council.

Section 3A. In the period after the expiration of any fiscal year, and before the regular appropriations have been made by the city council and the school committee, city and county officers who are authorized to make expenditures, and the school committee, may incur liabilities in carrying on the work of the several departments and offices entrusted to them, and payments therefor shall be made from the treasury from any available funds therein and charged against the next annual appropriation, or special appropriation, if any is made; provided, that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditure of the last three months of the preceding fiscal year, and that the total liabilities incurred during said interval do not exceed in any one month the sums spent for similar purposes during any one month of the preceding fiscal year; and provided, further, that said officers who are authorized to make expenditures may expend in any one month for any new officer or board lawfully created an amount not exceeding one twelfth

of the estimated cost for the current fiscal year; and provided, further, that until a regular or special appropriation has been made for snow removal, expenditures may be made for that purpose to an amount not exceeding the average of the annual expenditures for snow removal in the five preceding fiscal years.

Section 3B. After an appropriation of money has been duly made by the city of Boston for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated shall be made except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea and nay vote of two thirds of all the members of the city council; provided, that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After December twentieth in each year the city auditor may, with the approval of the mayor, apply any income and taxes not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of the fiscal year.

SECTION 2. Chapter three hundred and twenty of the acts of eighteen hundred and eighty-nine and chapter two hundred and sixty-one of the acts of eighteen hundred and ninety-three are hereby repealed.

Approved August 2, 1941.

Chap. 605 AN ACT TO PROVIDE RECIPROCITY RESPECTING PROPERTY RECEIVED BY TAX EXEMPT INSTITUTIONS IN MASSACHUSETTS BY NON-RESIDENT DECEDENTS.

Emergency
preamble.

Whereas, The deferred operation of this act might delay the settlement of estates of certain deceased persons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 65, § 1,
etc., amended.

SECTION 1. Chapter sixty-five of the General Laws is hereby amended by striking out the first sentence of section one, as most recently amended by section one of chapter four hundred and fifteen of the acts of the current year, and inserting in place thereof the following sentence: — All property within the jurisdiction of the commonwealth, corporeal or incorporeal, and any interest therein, belonging to inhabitants of the commonwealth, and all real estate or any interest therein and all tangible personal property within the commonwealth belonging to persons who are not inhabitants of the commonwealth except such an interest in such real estate as is represented by a mortgage or by a transferable certificate of participation or share of an association, partnership or trust, which shall pass by will, or by

Taxation of
legacies and
successions.
Rates of tax.
Exemptions.

laws regulating intestate succession, or by deed, grant or gift, except in cases of a bona fide purchase for full consideration in money or money's worth, made in contemplation of the death of the grantor or donor or made or intended to take effect in possession or enjoyment after his death, and any beneficial interest therein which shall arise or accrue by survivorship in any form of joint ownership in which the decedent joint owner contributed during his life any part of the property held in such joint ownership or of the purchase price thereof, to any person, absolutely or in trust, except (1) to or for the use of charitable, educational or religious societies or institutions which are organized under the laws of, or whose principal objects are carried out within, the commonwealth or which are organized under the laws of, or whose principal objects are carried out within, some other state of the United States which exempts from similar taxation legacies and devises by its citizens to or for the use of such societies or institutions which are organized under the laws of, or whose principal objects are carried out within, the commonwealth, or (2) for or upon trust for any charitable purposes to be carried out within the commonwealth or within any other state of the United States which exempts from similar taxation legacies and devises by its citizens for charitable purposes to be carried out within this commonwealth, or (3) to or for the use of the commonwealth or any town therein for public purposes, shall be subject to a tax at the percentage rates fixed by the following table:

SECTION 2. The amendment of said section one of chapter sixty-five of the General Laws effected by section one of this act is hereby made applicable to property or any interest therein passing or accruing upon the death of persons who have died on or after the first day of July, nineteen hundred and forty.

Effective
date.

Approved August 2, 1941.

AN ACT RELATIVE TO THE WATER SUPPLY OF THE WILLIAMSTOWN WATER COMPANY, AND ITS PURCHASE AND OPERATION BY THE TOWN OF WILLIAMSTOWN.

Chap. 606

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eleven of the acts of eighteen hundred and eighty-five is hereby further amended by striking out section two, as amended by section one of chapter four hundred and sixty-two of the acts of nineteen hundred and nine, and inserting in place thereof the following section: — *Section 2.* For the purposes aforesaid, said corporation may contract with any other municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase, gift, devise or otherwise,

and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources, by means of driven, artesian or other wells or filter galleries, within the limits of the town of Williamstown and elsewhere, as provided for by this act and all acts in amendment thereof and in addition thereto, not already appropriated for purposes of public water supply, and the water rights connected with any such water sources, or may exercise any combination of the rights and privileges hereinbefore granted; and also for said purposes may take by eminent domain under said chapter seventy-nine or said chapter eighty A, or acquire by lease, purchase, gift, devise or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department; and for said purposes said corporation may acquire by lease, purchase, gift, bequest or otherwise any appliances, works, tools, machinery and other equipment that may be necessary or expedient in carrying out the provisions of this act. Said corporation may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of said department of public health, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said corporation may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said corporation shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and

in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the department of public utilities. Said corporation may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

SECTION 2. Said chapter three hundred and eleven is hereby further amended by striking out section ten and inserting in place thereof the following section: — *Section 10.* Said town, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under this act and all acts in amendment thereof and in addition thereto, other than expenses of maintenance and operation, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the amount that may be borrowed under authority of section eight of chapter forty-four of the General Laws, as amended, for water supply purposes, or, if the compensation to be paid shall be determined by the department of public utilities as provided in section nine of this act, as amended and as affected by section five of chapter one hundred and sixty-five of the General Laws, then said town may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the sum determined upon by said department. Such bonds or notes shall bear on their face the words, Town of Williamstown Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 3. Said chapter three hundred and eleven is hereby further amended by striking out section eleven and inserting in place thereof the following section: — *Section 11.* Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section ten; and, when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 4. Section twelve of said chapter three hundred and eleven is hereby repealed.

SECTION 5. Section thirteen of said chapter three hundred and eleven is hereby repealed; but such repeal shall not affect any act done, ratified or confirmed, any liability incurred or any right accruing or established before this repeal takes effect.

SECTION 6. Said chapter three hundred and eleven is hereby further amended by striking out section fourteen and inserting in place thereof the following section:— *Section 14.* The selectmen of said town shall serve as water commissioners until the qualification of water commissioners elected at the annual town meeting of said town in nineteen hundred and forty-two or at such later date, if any, as the town may elect water commissioners, as hereinafter provided. Whenever the phrase “said board of water commissioners” or “said board” or “said commissioners” occurs in this act it shall mean and include the board of water commissioners or the selectmen acting as such, as the case may be. Said town, at an annual town meeting or at any special town meeting held not less than thirty days prior to an annual town meeting, may vote to elect by ballot three water commissioners, one to serve until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at the annual town meeting held on the day on which the shortest of such terms expires, and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, except sections ten, eleven and fourteen A and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water commissioners under authority of this section, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual town meeting of said town or until another person is qualified.

SECTION 7. Said chapter three hundred and eleven is hereby further amended by inserting after section fourteen the following new section:— *Section 14A.* Said commissioners shall fix just and equitable prices and rates for the use of water, subject to the approval of said town, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act and all acts in amendment thereof and in addition thereto. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon,

and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to section fourteen. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of the receipts and expenditures.

SECTION 8. This act shall take effect upon its passage.

Approved August 2, 1941.

AN ACT TO FURTHER REGULATE THE DEALING IN AND TRANSPORTATION OF BOVINE ANIMALS AND TO PREVENT THE SPREAD OF DISEASE AMONG SUCH ANIMALS.

Chap. 607

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-nine of the General Laws is hereby amended by adding at the end the five following new sections: — *Section 39.* Every person engaging in the business of dealing in bovine animals shall obtain a license therefor from the director, the fee for which shall be five dollars, and such license shall expire on November thirtieth following the date of issuance, unless sooner revoked. The director, subject to the approval of the commissioner of agriculture and of the governor and council, may make rules and regulations governing the issuance and revocation of such licenses and the conduct of the businesses so licensed and relative to the maintenance of premises, buildings and conveyances, the health of bovine animals and the method and time of inspection and checking of said animals.

G. L. (Ter. Ed.), 129, new §§ 39-43, added.

Dealing in bovine animals, license for.
Fee.

Section 40. Each vehicle used for the transportation of such bovine animals, when operated in or on any way in the commonwealth, shall bear on the front and on the rear a metal license plate, furnished by the director, for which pair of plates a fee of fifty cents shall be paid. Said plates shall be valid for the term for which the license is granted, but shall be returned to the director on revocation of said license.

License plates for vehicles transporting bovine animals.

Fee.

Section 41. All persons who transport bovine animals upon any public way in connection with the purchase or sale thereof, shall have in their possession a bill of sale or memorandum signed by the owner or vendor of such animals, containing the address of such owner or vendor, the date of purchase or sale, the number of animals, breed, eartag number or other means of identification of each animal.

Persons transporting bovine animals to have bill of sale, etc.

Right to inspect same.

Any person transporting bovine animals shall on demand exhibit such bill of sale or memorandum to any officer qualified to serve criminal process.

No person shall accept any bovine animal over six months of age which has been transported over any such way unless accompanied by such bill of sale or memorandum. The person accepting such animals shall endorse the bill of sale or

memorandum in such manner as will signify his acceptance of each animal.

This section shall not apply to such licensees under section thirty-nine as are exempted from the provisions hereof by the director, by rules or regulations made under the authority of said section thirty-nine.

Tagging of
bovine
animals, by
whom.

Penalty.

Section 42. No person, other than a licensed veterinarian, shall tag a bovine animal with a state or federal identification tag.

Section 43. Whoever violates any provision of sections forty to forty-two, inclusive, shall be punished for a first offense by a fine of not more than one hundred dollars and for any subsequent offense by a fine of not more than five hundred dollars, or by imprisonment for not more than two and one half years, or both.

G. L. (Ter.
Ed.), 129,
§ 36A, etc.,
and § 36C,
etc., repealed.

SECTION 2. Section thirty-six A of said chapter one hundred and twenty-nine, inserted by chapter four hundred and twenty-six of the acts of nineteen hundred and thirty-five, and section thirty-six C of said chapter one hundred and twenty-nine, inserted by chapter three hundred and eighty-six of the acts of nineteen hundred and thirty-eight, are hereby repealed.

Approved August 2, 1941.

Chap. 608 AN ACT REQUIRING TREASURERS OF BENEFIT ASSOCIATIONS AND INSURANCE COMPANIES TO FURNISH CERTAIN INFORMATION, UPON DEMAND THEREFOR, TO BOARDS OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 117,
§ 13, amended.

Penalty for
failure to give
information.

Section thirteen of chapter one hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence: — A treasurer of a benefit association or insurance company who, upon request in writing signed by a member of the board of public welfare of a town, unreasonably refuses to inform him of the amount paid within the period of four years preceding such request, or which is then payable, to the person named in such request, such person being or having been within a period of four years a recipient of public welfare aid from such town, or being the legal representative of the estate of such a recipient of such aid who has deceased, or being the son or daughter of a person receiving or having received such aid within a period of two years, and any such treasurer who wilfully renders false information in reply to such request, shall forfeit fifty dollars to the use of such town.

Approved August 2, 1941.

AN ACT REPEALING THE LAW PROVIDING FOR ADJUSTMENT OF VETERANS' TAX EXEMPTIONS. Chap.609

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter fifty-eight of the General Laws, as amended by section fourteen of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, and section twelve of said chapter fifty-eight, as amended by section thirteen of chapter four hundred and ninety of the acts of nineteen hundred and forty-one, are hereby repealed.

G. L. (Ter. Ed.), 58, § 11, etc., and § 12, etc., repealed.

SECTION 2. Section six of chapter fifty-eight A of the General Laws, as most recently amended by section four of chapter four hundred and seventy-eight of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:— The board shall have jurisdiction to decide appeals under the provisions of section forty-two E of chapter forty; of sections fourteen and twenty-five of chapter fifty-eight; of clauses seventeenth and twenty-second of section five of chapter fifty-nine; of sections seven, thirty-nine, sixty-four, sixty-five, sixty-five B, seventy-three and eighty-one of said chapter fifty-nine; of section two of chapter sixty A; of section forty-five of chapter sixty-two; of sections two, eighteen A, twenty-eight, fifty-one, sixty and seventy-one of chapter sixty-three; of section six of chapter sixty-four; of sections five and ten of chapter sixty-four A; of sections twenty-five and twenty-six of chapter sixty-five; of section four of chapter sixty-five A; and under any other provision of law wherein such jurisdiction is or may be expressly conferred.

G. L. (Ter. Ed.), 58A, § 6, etc., amended.

Jurisdiction.

Approved August 2, 1941.

AN ACT RELATIVE TO THE HOURS OF LABOR OF WOMEN AND CHILDREN EMPLOYED IN CERTAIN POSITIONS IN HOSPITALS. Chap.610

Be it enacted, etc., as follows:

SECTION 1. Section fifty-six of chapter one hundred and forty-nine of the General Laws, as most recently amended by chapter five hundred and seventy-four of the acts of the current year, is hereby further amended by inserting after the word "establishment", the first time such word appears in the first sentence, as so amended, the word:— , hospital, — and by adding at the end the following new sentence:— The commissioner may grant authority for employees of hospitals to be employed for more than nine hours in one day and forty-eight hours in one week and outside of a period of ten consecutive hours, if he finds that an emergency exists requiring this action.

G. L. (Ter. Ed.), 149, § 56, etc., amended.

Hours of labor of women and children in certain hospitals.

Application
of act.

SECTION 2. This act shall not apply to professional personnel.

Effective
date.

SECTION 3. This act shall take effect on January first, nineteen hundred and forty-three.

Approved August 2, 1941.

Chap.611 AN ACT RELATIVE TO THE SERVICES AND COMPENSATION OF MEMBERS OF THE BOARD OF REVIEW IN THE DIVISION OF UNEMPLOYMENT COMPENSATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 23,
§ 9N, etc.,
amended.

SECTION 1. Section nine N of chapter twenty-three of the General Laws, as appearing in section one of chapter twenty of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph: —

Board of
review.

(b) There shall be in the division a board of review consisting of three persons to be appointed by the governor. Of the members first appointed, one shall be appointed for a term of two years, one for a term of four years and one for a term of six years, and thereafter as the term of a member expires the governor shall appoint his successor for a term of six years. Vacancies shall be filled in like manner for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. The governor shall from time to time designate one of the members as chairman. All members shall devote their whole time in office hours to the duties of their office. Said offices and the incumbents thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder. The chairman of the board and each of the other members shall receive a salary of forty-five hundred dollars. Members of the board shall receive their traveling and other necessary expenses incurred in the performance of their duties.

Application of
act limited.

SECTION 2. Nothing in this act shall be deemed or construed to affect the continuity of service of the board of review referred to in section one hereof, or to affect the term or tenure of office or rights and duties of the members thereof, in office upon the effective date of this act.

Effective
date.

SECTION 3. The provisions of this act establishing the salaries of the members of said board of review shall become operative as of January first of the current year.

Approved August 2, 1941.

Chap.612 AN ACT GRANTING CERTAIN POWERS TO THE DEPARTMENT OF PUBLIC HEALTH IN ORDER TO PERMIT FULLER CO-OPERATION IN ANY NATIONAL DEFENSE PROGRAM.

Emergency
preamble.

Whereas, The deferred operation of this act might harmfully delay the giving of aid in national defense and imperil public health in the present national emergency, therefore

it is hereby declared to be an emergency law, necessary for the preservation of the public health and safety.

Be it enacted, etc., as follows:

Chapter one hundred and eleven of the General Laws is hereby amended by inserting after section five, as amended, the following new section: — *Section 5A.* The department, with the approval of the commission on administration and finance, may, for the purpose of aiding in national defense in case of war or in any national emergency declared by the president, prepare and distribute without as well as within the commonwealth, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of diseases of man, for the use of the armed forces of the United States or in civilian defense work. This section shall not curtail any powers or duties of the department under section five.

G. L. (Ter. Ed.), 111, new § 5A, inserted.

Distribution of antitoxins, etc., in times of emergency.

Approved August 4, 1941.

AN ACT AUTHORIZING THE CONSTRUCTION BY THE DEPARTMENT OF PUBLIC WORKS OF A HIGH LEVEL BRIDGE OVER THE ANNISQUAM RIVER IN THE CITY OF GLOUCESTER.

Chap. 613

Be it enacted, etc., as follows:

The department of public works is hereby authorized to construct over the Annisquam river in the city of Gloucester, at such site and of such type and dimensions as said department determines, a new high level bridge, with or without a draw, together with the necessary approaches thereto; provided that the entire cost of such work shall be met substantially out of funds made available by the federal government.

Approved August 4, 1941.

AN ACT PROVIDING FOR THE PAYMENT OF WAGES OR SALARIES TO PUBLIC EMPLOYEES IN CERTAIN CASES WHERE COMPENSATION FOR TOTAL INCAPACITY IS PAYABLE UNDER THE WORKMEN'S COMPENSATION LAW, SO CALLED.

Chap. 614

Be it enacted, etc., as follows:

Section sixty-nine of chapter one hundred and fifty-two of the General Laws, as most recently amended by chapter four hundred and sixty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by inserting after the word "payable" in the thirty-second line, as appearing in chapter four hundred and thirty-five of the acts of nineteen hundred and thirty-nine, the following: — , except that such salary or wages may be paid in full until any overtime or vacation which the said employee has to his credit has been used, without deduction of any compensation herein provided for which may be due or become due the said employee during the period in which said employee may be totally incapacitated, any other provisions of law to the

G. L. (Ter. Ed.), 152, § 69, etc., amended.

Payment of wages to certain public employees when workmen's compensation is payable.

contrary notwithstanding, — so that the sentence in the twenty-ninth to the thirty-second lines, as so appearing, will read as follows: — No cash salary or wages shall be paid by the commonwealth or any such county, city, town or district to any person for any period for which weekly total incapacity compensation under this chapter is payable, except that such salary or wages may be paid in full until any overtime or vacation which the said employee has to his credit has been used, without deduction of any compensation herein provided for which may be due or become due the said employee during the period in which said employee may be totally incapacitated, any other provisions of law to the contrary notwithstanding.

Approved August 4, 1941.

Chap.615 AN ACT AUTHORIZING THE CONVEYANCE BY THE COMMONWEALTH TO THE INHABITANTS OF PROVINCETOWN OF A CERTAIN PARCEL OF LAND SITUATED IN SAID TOWN.

Be it enacted, etc., as follows:

The department of public works is hereby authorized, in the name and on behalf of the commonwealth, to convey to the inhabitants of the town of Provincetown, by a deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to a certain parcel of land in said Provincetown bounded northwesterly on Bradford street, northeasterly on Ryder street, southeasterly on Commercial street and southwesterly by land of said town of Provincetown, and containing about eleven thousand, five hundred and forty-three square feet of land.

Approved August 4, 1941.

Chap.616 AN ACT FIXING THE CHARGES FOR THE SUPPORT OF PATIENTS AT COUNTY TUBERCULOSIS HOSPITALS DURING THE YEARS NINETEEN HUNDRED AND FORTY-ONE TO NINETEEN HUNDRED AND FORTY-THREE, INCLUSIVE, AND PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE COST OF AND ADMISSIONS TO SUCH HOSPITALS.

Be it enacted, etc., as follows:

SECTION 1. The rates of charges for the support of patients at county tuberculosis hospitals for the year nineteen hundred and forty, as established under the provisions of section eighty-eight of chapter one hundred and eleven of the General Laws, shall be the rates of such charges for the years nineteen hundred and forty-one, nineteen hundred and forty-two and nineteen hundred and forty-three.

SECTION 2. There is hereby established a special unpaid commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor,

with the advice and consent of the council, for the purpose of making an investigation relative to the cost of county tuberculosis hospitals with a view to determining to what extent such cost should be assessed directly on cities and towns based on the number of patients sent to said hospitals by them, and assessed upon cities and towns as part of the county tax. Said commission shall also consider the advisability of providing for compulsory admissions to said hospitals. Said commission may expend for clerical and other expenses such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. It shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved August 4, 1941.

AN ACT RELATIVE TO THE HENRY O. PEABODY SCHOOL FOR GIRLS, AT NORWOOD, MASSACHUSETTS. Chap. 617

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter seventy-four of the General Laws, as amended by section one of chapter four hundred and forty-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by adding at the end of the paragraph defining "Net maintenance sum" the words: —, and that in the case of the Henry O. Peabody school for girls at Norwood there shall be added to the sum raised by local taxation the sum annually received by the town of Norwood from the Peabody charities and expended for the maintenance of the school, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 74, § 1, etc., amended.

"Net maintenance sum", the total sum raised by taxation and expended for maintaining approved local or district independent distributive occupations, industrial, and household arts schools and independent agricultural schools, other than departments in high schools, less the amount of tuition claims, paid or not, and receipts from the labor of pupils and sale of products; provided, that in the case of Smith's agricultural school there shall be added to the sum raised by local taxation the sum annually received by the city of Northampton from the Smith charities and expended for the maintenance of the school, and that in the case of the Henry O. Peabody school for girls at Norwood there shall be added to the sum raised by local taxation the sum annually received by the town of Norwood from the Peabody charities and expended for the maintenance of the school.

"Net maintenance sum" defined.

SECTION 2. Section eleven of said chapter seventy-four, as amended by section two of chapter one hundred and two of the acts of nineteen hundred and thirty-three, is hereby

G. L. (Ter. Ed.), 74, § 11, etc., amended.

Reimbursement to certain counties.

further amended by inserting after the word "Northampton" in the second line the words:—and the town of Norwood,—so as to read as follows:—*Section 11.* The counties of Bristol, Essex and Norfolk, and the city of Northampton and the town of Norwood shall, so long as their respective schools are approved, be reimbursed by the commonwealth as are towns under section nine.

Approved August 4, 1941.

Chap. 618 AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN UNCLAIMED MONEYS HELD BY THE DIVISION OF CHILD GUARDIANSHIP FOR THE BENEFIT OF CERTAIN WARDS THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 121, new § 8B, inserted.

Disposition of unclaimed money held by division of child guardianship.

Chapter one hundred and twenty-one of the General Laws is hereby amended by inserting after section eight A, inserted by section two of chapter three hundred and eleven of the acts of nineteen hundred and thirty-five, the following new section:—*Section 8B.* Annually on or before November thirtieth, the commissioner shall pay to the state treasurer all unclaimed money held by the division of child guardianship for the benefit of any former ward of the division whose whereabouts is then unknown and has been unknown for seven years subsequent to his becoming of age. At the time of so paying over any such money, the commissioner shall certify to the comptroller the amount of such money then held for the benefit of each former ward, his full name, age, if known, and last known address, the names of his parents, if known, and such further information as they deem relevant; and said comptroller shall make and keep a record thereof.

The state treasurer may receive from the commissioner the unclaimed money paid over under this section and shall hold it as a separate fund. Upon certificate of the comptroller that a claim thereto satisfactory to him shall have been established and approved in writing by the attorney general, the state treasurer shall pay to any former ward, or to his guardian or conservator in case of his mental or other legal disability, or to his legal representatives in case of his death, the amount of money held for his benefit and paid over to the state treasurer under this section, without any accumulations accruing thereto after such payment, out of the principal of the fund in which the money so claimed was held as aforesaid. The said funds, if in cash, shall be invested safely by the state treasurer, or, if in securities, he may hold them in their original form or, upon the approval of the governor and council, sell them and reinvest the proceeds in securities which are legal investments for the commonwealth sinking funds. He shall be held responsible for the faithful management of said trust funds in the same manner as for other funds held by him in his official capacity.

Approved August 4, 1941.

AN ACT PROVIDING FOR THE ANNUAL RENEWAL OF CERTIFICATES OF REGISTRATION AS BARBERS, FURTHER REGULATING THE INSPECTION AND APPROVAL OF BARBER SHOPS AND PROVIDING FOR THE REGISTRATION OF SUCH SHOPS.

Chap. 619

Be it enacted, etc., as follows:

SECTION 1. Section eighty-seven H of chapter one hundred and twelve of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter ninety-four of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 112, § 87H, etc., amended.

Any applicant failing to pass an examination satisfactory to the board shall thereafter be entitled to re-examination by payment of a fee of five dollars and by filing a re-examination application upon a form furnished by the board, but two re-examinations shall exhaust his privilege under his original application, and if he fails to apply for re-examination within one year after his original examination, or to appear for re-examination when notified so to do, his re-examination privilege for such original application shall be forfeited. Each such certificate of registration issued by the board shall expire on December thirty-first next succeeding its date. The board may renew any such registration, and issue a certificate thereof, upon the payment of a renewal fee of two dollars. Any person holding a certificate of registration or renewal certificate which has expired may, within three years of the date of expiration, upon payment of a fee of two dollars for each year since expiration and upon furnishing satisfactory proof of his qualifications to resume the practice of his occupation, receive from the board a new certificate of registration. Before any registered barber opens a barber shop, or moves his barber shop to a new location, or operates a barber shop previously approved for a prior owner, he shall apply to the board for an inspection and approval thereof, and the board shall receive a fee of five dollars for each inspection, and, upon the approval of such barber shop, the board shall issue a certificate of registration for such barber shop, which shall without further fee be in force, unless sooner cancelled, suspended or revoked, until June thirtieth of the year following the year of its issuance. All certificates of registration for barber shops shall be renewed annually by filing applications therefor on forms supplied by the board and the payment of a fee of two dollars, and such renewal shall, unless cancelled, suspended or revoked, be in full force and effect until June thirtieth of the year following its issuance. The board may suspend, revoke or refuse to renew a certificate of registration issued by it for a barber shop if it finds, after a hearing, notice of which shall be given to the owner or operator of such shop, that any of its rules and regulations have been violated in said shop, that persons not authorized to prac-

Re-examination of applicants, etc.
Fees.

tice the occupation of barbering have been employed therein as barbers or apprentices, or that there has been a violation in said shop of any provision of sections eighty-seven F to eighty-seven R, inclusive.

Registration of
barber shops.

SECTION 2. Every owner or operator of a barber shop in operation upon the effective date of this act shall, within ninety days thereafter, apply for a certificate of registration for such barber shop by filing an application on a form issued by the board of registration of barbers and paying, except in the case of a barber shop which has already paid an inspection fee during the current year, a fee of two dollars; and such certificate of registration shall be in force, unless sooner cancelled, suspended or revoked, until June thirtieth of the year following its issuance.

Approved August 4, 1941.

Chap. 620 AN ACT CHANGING THE NAME OF THE BOARD OF REGISTRATION OF NURSES, INCREASING THE NUMBER AND COMPENSATION OF ITS MEMBERS, PROVIDING FOR THE LICENSING OF ATTENDANTS AND ESTABLISHING AN APPROVING AUTHORITY FOR SCHOOLS FOR NURSES AND SCHOOLS FOR ATTENDANTS.

Emergency
preamble.

Whereas, The deferred operation of this act would make impossible the appointment of members of the board of registration in nursing in accordance with the requirements thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Board of
registration
in nursing.

SECTION 1. The name of the board of registration of nurses, in the division of registration of the department of civil service and registration, is hereby changed to the board of registration in nursing.

G. L. (Ter.
Ed.), 13,
§§ 13, 14 and
15 stricken
out, and
§§ 13-15D,
inserted.

SECTION 2. Chapter thirteen of the General Laws is hereby amended by striking out sections thirteen, fourteen and fifteen, and the heading before said section thirteen, all as appearing in the Tercentenary Edition, and inserting in place thereof, under the heading, BOARD OF REGISTRATION IN NURSING, the following eight new sections: — *Section 13.* There shall be a board of registration in nursing, in this section and in sections fourteen to fifteen D, inclusive, called the board, consisting of seven members, of whom one shall be the secretary of the board of registration in medicine, ex officio. Four members shall be nurses, each of whom shall be a graduate of a different school for nurses and shall have been registered in the commonwealth at least eight years prior to his appointment. Of such nurses, at least one shall be at the time of his appointment a member of the faculty of an approved school for nurses and at least one shall be at the time of his appointment a member of the faculty of an approved school for attendants. Two

Same subject.
Appointment,
etc.

members of the board shall be qualified physicians, each of whom shall have been registered in the commonwealth at least eight years prior to his appointment. Of the six appointive members, one qualified in accordance with this section shall annually before October first be appointed by the governor, with the advice and consent of the council, to hold office for six years from said October first.

Section 14. The board shall hold regular meetings on the second Tuesdays of January, April and October in each year at the office of the board of registration in medicine, and it may hold additional meetings at such times and places as it may determine. At the regular meeting in October it shall organize by electing a chairman, who shall hold office for one year. The secretary of the board of registration in medicine shall be secretary of the board, and shall receive as compensation therefor such sum as may be fixed by the governor and council.

Meetings,
organization,
secretary, etc.

Section 14A. There shall be an assistant to the secretary of the board, called the registrar of nurses and attendants, who shall have been a registered nurse for at least five years prior to his appointment and who, subject to chapter thirty-one, shall be appointed by the director of registration, with the approval of the board. Said registrar shall be under the supervision of said secretary, shall have charge of the re-registration of nurses and the re-licensing of attendants and shall perform such other duties in connection with the registration of nurses and licensing of attendants as he may direct.

Registrar of
nurses and
attendants,
appointment,
etc.

Section 15. Each member of the board, except the secretary, shall receive as compensation three hundred dollars a year for the performance of his duties, and also his necessary traveling expenses actually incurred in attending the meetings of the board, but subject to section fifteen D.

Compensation.

Section 15A. There shall be an approving authority for schools for nurses and schools for attendants, in this section and sections fifteen B, fifteen C and fifteen D referred to as the approving authority, consisting of seven members, of whom one shall be the secretary of the board of registration in medicine, one shall be a member of the board of registration in nursing who is a nurse and a member of the faculty of an approved school for nurses, one shall be a member of said last mentioned board who is a nurse and a member of the faculty of an approved school for attendants and one shall be the commissioner of education, all of said members to be designated by the governor from time to time, and three shall be appointed by the governor, with the advice and consent of the council, each to serve until the expiration of six years from the termination of the term of his predecessor. Said appointive members shall at the time of their appointment be respectively qualified as follows:— One shall be a trustee of a charitable hospital having an approved school for nurses or an approved school for attendants, one shall be a qualified physician who shall have been for at least eight years actively engaged in the practice of his profession

Approving
authority for
schools for
nurses and
schools for
attendants.

and one shall be a superintendent or an assistant superintendent of a hospital having an approved school for nurses or an approved school for attendants.

Annual
meeting of
approving
authority.

Section 15B. The approving authority shall hold an annual meeting at the office of the board of registration in medicine on the third Tuesday in October and may hold additional meetings at such times and places as it may determine. At the annual meeting it shall elect a chairman for the ensuing year. The secretary of the board shall be the secretary of the approving authority.

Compensation.
Travel
expense.

Section 15C. Each appointive member of the approving authority shall receive five dollars for each day actually spent in the performance of his duties, and also his necessary traveling expenses actually incurred in attending the meetings of the approving authority and inspections by the approving authority, but subject to section fifteen D.

Compensation,
etc., not to
exceed receipts
from registra-
tion, etc.

Section 15D. The compensation and traveling expenses of the members of the board and of the approving authority, and the incidental expenses necessarily incurred by the board and by any member thereof and by said approving authority and by any member thereof, paid by the commonwealth, in any year shall not exceed the receipts from registration and licensing paid to the commonwealth by the board.

G. L. (Ter.
Ed.), 112,
§§ 74-81,
stricken out,
and new
sections
74-81C,
inserted.

Board to hold
examinations
for registration
of nurses.

Application,
fees, etc.

Re-exami-
nation, etc.

SECTION 3. Chapter one hundred and twelve of the General Laws is hereby amended by striking out sections seventy-four to eighty-one, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following fourteen new sections: — *Section 74.* The board of registration in nursing, in this section and in sections seventy-four A to seventy-nine, inclusive, called the board, shall hold examinations for the registration of nurses at such times and places as it shall determine. Applications for registration, signed and sworn to by the applicant, shall be made on blanks furnished by the board. An applicant who furnishes satisfactory proof that he is at least twenty-one, of good moral character and a graduate of a school for nurses approved by the approving authority for schools for nurses and schools for attendants established by section fifteen A of chapter thirteen, in this section and in sections seventy-four A, seventy-five and eighty-one A to eighty-one C, inclusive, referred to as the approving authority, shall, upon payment of five dollars, be examined by the board, and, if found qualified, shall be registered, with a right to use the title registered nurse and to practice as such, and shall receive a certificate thereof from the board, signed by its chairman and secretary. An applicant failing to pass an examination satisfactory to the board shall be entitled, within one year thereafter, without the payment of an additional fee, to a re-examination at a meeting of the board called for the examination of applicants, but one such re-examination shall exhaust his privilege under his original application. Every

person registered hereunder who continues to hold himself out as a registered nurse shall, on or before his birthday in each year, renew his registration for the ensuing year by payment of one dollar to the board, and thereupon the board shall issue a certificate showing that the holder thereof is entitled to practice as a registered nurse for the period covered by said payment; provided, that if a birthday of any person who shall be registered hereunder shall occur within three months after such original registration, such person need not renew his registration until the birthday next following the birthday aforesaid. For the purposes of this section and of section seventy-four A, the birthday of a person born on February twenty-ninth shall be deemed to be February twenty-eighth. In default of such renewal, a person registered hereunder shall forfeit the right to practice as a registered nurse or to hold himself out as such until such fee shall have been paid. The board, after a hearing, by vote of a majority of its members, may annul the registration and cancel the certificate of any nurse who has been found guilty of a felony.

Section 74A. The board shall hold examinations for the licensing of attendants at such times and places as it shall determine. Applications for licenses as attendants, signed and sworn to by the applicants, shall be made on blanks furnished by the board. An applicant who furnishes satisfactory proof that he is at least twenty, of good moral character and a graduate of a school for attendants approved by the approving authority shall, upon payment of five dollars, be examined by the board and, if found qualified, shall be licensed, with a right to use the title licensed attendant and to practice as such, and shall receive a certificate thereof from the board, signed by its chairman and secretary. An applicant failing to pass an examination satisfactory to the board shall be entitled within one year thereafter, without the payment of an additional fee, to a re-examination at a meeting of the board called for the examination of applicants, but one such re-examination shall exhaust his privilege under his original application. Every person licensed hereunder who continues to hold himself out as a licensed attendant shall, on or before his birthday in each year, renew his license for the ensuing year by payment of one dollar to the board, and thereupon the board shall issue a certificate showing that the holder thereof is entitled to practice as a licensed attendant for the period covered by said payment; provided, that, if a birthday of any person who shall be licensed hereunder shall occur within three months after such original licensing, such person need not renew his license until the birthday next following the birthday aforesaid. In default of such renewal, a person licensed hereunder shall forfeit the right to practice as a licensed attendant or to hold himself out as such until such fee shall have been paid. The board, after a hearing, by vote of a

Examinations
for licensing
of attendants.

Qualifica-
tions, etc.

Fees.

Re-exami-
nation.

majority of its members, may annul the license and cancel the certificate of any attendant who has been found guilty of a felony.

Aliens not to
be examined,
when.

Section 74B. The board shall examine an applicant for registration as a nurse or for licensing as an attendant who is an alien only if he presents to it a copy of his declaration of intention to become a citizen of the United States, certified by the clerk of the court in which it was filed, or a certificate from the Immigration and Naturalization Service of the United States, showing that, in accordance with law, he has declared his intention to become such citizen. In case the applicant is subsequently registered or licensed, unless, within five years following the filing of the copy or certificate hereinbefore referred to, he shall present to the board his completed naturalization papers showing that he is a citizen of the United States his certificate of registration shall be revoked and his registration cancelled, or his license shall be revoked and cancelled, as the case may be. The board may make pertinent inquiries of any and all applicants for re-registration or re-licensing for the purpose of determining the citizenship status of any nurse or attendant re-registered or re-licensed under any provision of this chapter.

Contents of
examinations.
Method of
conducting.

Section 75. Examinations shall be wholly or in part in writing, in the English language, shall include the principles and practice of nursing but shall be limited to such subjects as are included in the curriculum established by the approving authority, shall be in content both reasonable and appropriate for nurses or for attendants, as the case may be, and shall be sufficiently thorough to test the applicant's fitness to practice.

Reciprocity
between states
in registering
nurses, etc.

Section 76. The board may register or license in like manner, without examination, any person who has been registered as a nurse or licensed as an attendant, as the case may be, in another state under laws which, in the opinion of the board, maintain standards substantially the same as those of this commonwealth for nurses or for attendants, as the case may be. The fee for registration or licensing without examination under this section shall be ten dollars.

Investigation
of complaints.

Section 77. The board shall investigate all complaints of violation of sections seventy-four to eighty A, inclusive, and report the same to the proper prosecuting officers.

Board to keep
records, etc.
Annual report.

Section 78. The board shall keep records of the names of all persons registered and licensed by it and of all money received and disbursed by it and duplicates thereof shall be open to public inspection in the office of the state secretary. It shall make an annual report of the condition of nursing in the commonwealth.

Rules and
regulations.

Section 79. The board may make such rules and regulations consistent with law relative to its procedure under sections seventy-four to seventy-eight, inclusive, as it deems expedient.

Impersonation
of registered
nurse.

Section 80. Whoever, not being lawfully authorized to practice as a registered nurse within the commonwealth,

practices or attempts to practice as a registered nurse, or uses the abbreviation R.N., or any other words, letters or figures to indicate that the person using the same is such a registered nurse, shall, except as provided in section sixty-five, be punished by a fine of not more than one hundred dollars. Whoever becomes or attempts to become registered, or practices or attempts to practice, as a registered nurse under a false or assumed name shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for three months, or both.

Penalty.

Section 80A. Whoever, not being lawfully authorized to practice as a licensed attendant within the commonwealth, practices or attempts to practice as a licensed attendant, or uses the abbreviation L.A., or any other words, letters or figures to indicate that the person using the same is such a licensed attendant, shall, except as provided in section sixty-five, be punished by a fine of not more than one hundred dollars. Whoever becomes or attempts to become licensed, or practices or attempts to practice, as a licensed attendant under a false or assumed name shall be punished by a fine of not less than one hundred nor more than five hundred dollars or by imprisonment for three months, or both.

Impersonation of licensed attendant.

Penalty.

Section 81. Sections seventy-four to eighty A, inclusive, shall not apply to gratuitous nursing of the sick by friends or members of the family, or to acts of any person nursing the sick for hire who does not assume to be either a registered nurse or a licensed attendant.

Gratuitous nursing, etc., when permitted.

Section 81A. The approving authority shall upon the request of any school for nurses or for attendants in the commonwealth inspect said school and notify its trustees or other governing body if said school is approved for the purposes of section seventy-four or seventy-four A, as the case may be, and, if not, what steps said school should take in order to gain the approval of the approving authority. It shall from time to time inspect any school already approved and may withdraw its approval thereof. Said authority shall notify the trustees or other governing body of each school if it merits continuance of approval, and, if not, may specify what steps the school should take to receive continuance of approval. Said authority may make inspections by any of its members or by an agent or agents designated by it for the purpose, and no approval shall be withdrawn unless an inspection has been made. Any such trustees or other governing body aggrieved by an adverse decision of the approving authority shall, on petition, be given a hearing before said authority.

Approving authority to inspect schools for nurses, etc.

Section 81B. The approving authority may approve, for the purposes of section seventy-four or seventy-four A, any school for nurses or for attendants, as the case may be, in another state which maintains standards substantially the same as those required for an approved school in this commonwealth, and which is approved by the approving au-

Approval of schools for nurses, etc.

Rules and regulations for general conduct of approved schools.

Appointment of members of board.

Duration of, how made, etc.

Board of registration of nurses not affected by act.

Act not to apply to registration of nurses in certain instances.

Attendants licensed without examination, when.

thority for schools for nurses or for attendants, or corresponding body, of the state in which the school is situated.

Section 81C. The approving authority may make such rules and regulations consistent with law relative to procedure under sections eighty-one A and eighty-one B as it deems expedient, and shall make reasonable rules and regulations concerning the general conduct of approved schools, including the qualifications of the principals and the teachers therein, requirements for admission of students, the curriculum to be taught therein, the teaching equipment, the care of the health of the students and their housing.

SECTION 4. The successor of the member of the board of registration in nursing, in this section and in sections four to twelve, inclusive, called the board, whose term expires in the current year shall be appointed for a term of six years. In the month of September in the current year the governor, with the advice and consent of the council, shall appoint as a member of said board one nurse who is a graduate of a school for nurses and has been registered in the commonwealth for at least eight years prior to his appointment, whose term shall expire on October first, nineteen hundred and forty-five, and one physician who shall have been registered in the commonwealth at least eight years prior to his appointment, whose term shall expire on October first, nineteen hundred and forty-six. The provisions of this section shall govern notwithstanding any provision of chapter thirteen of the General Laws inserted by section two of this act.

SECTION 5. Nothing in this act shall affect the terms of office of the members of the board of registration of nurses in office on the effective date hereof, and such members shall severally continue to hold office as if this act had not been passed.

SECTION 6. The qualifications for registration of nurses with or without examination as set forth in this act shall not apply to any nurse who was eligible for admission to examination or for registration at the time of his graduation, nor to any applicant for registration who shall have matriculated in such a school prior to the effective date of this act; but every such applicant shall be subject to the pertinent requirements in force immediately preceding said effective date.

SECTION 7. Notwithstanding any other provisions of this act, the board, within one year after the effective date of this act, may license attendants without examination as hereinafter provided. Applications for licenses under this section, signed and sworn to by the applicant, shall be made on blanks furnished by the board. An applicant who furnishes satisfactory proof that he is at least twenty, of good moral character and that he has been engaged in active practice as an attendant in a competent manner in this commonwealth for the three years immediately preceding the effective date of this act and, in the case of an alien, if he presents a certificate concerning citizenship status required

by section seventy-four B of chapter one hundred and twelve of the General Laws, inserted by section two of this act, shall, upon payment of five dollars, be licensed, with a right to use the title licensed attendant, and to practice as such, subject to all the rules and regulations which are provided for attendants licensed with examination. Any person licensed under this section may renew his license in the manner provided for the renewal of licenses in section seventy-four A of chapter one hundred and twelve of the General Laws, as inserted by section two of this act.

SECTION 8. Notwithstanding any other provisions of this act, the board, within three years after the effective date of this act, may license attendants with examination as hereinafter provided. Applications for license under this section, signed and sworn to by the applicant, shall be made on blanks furnished by the board. An applicant who furnishes satisfactory proof that he is at least twenty, of good moral character and that he is a graduate of a school which, before said effective date, was engaged in the training of attendants and, if he is an alien, if he presents a certificate concerning citizenship status required by section seventy-four B of chapter one hundred and twelve of the General Laws, as inserted by section two of this act, shall, upon the payment of five dollars, be examined by the board, and if found qualified shall be licensed, with the right to use the title licensed attendant and to practice as such, and shall receive a certificate thereof from the board signed by its chairman and secretary. An applicant failing to pass an examination satisfactory to the board shall be entitled, within one year thereafter, without the payment of an additional fee, to a re-examination at a meeting of the board called for the examination of applicants, but one such re-examination shall exhaust his privilege under his original application. Any person licensed under this section may renew his license in the manner provided for the renewal of licenses in section seventy-four A of chapter one hundred and twelve of the General Laws, as inserted by section two of this act.

Attendants
licensed after
examination,
when.

SECTION 9. The provisions of this act providing new eligibility requirements for applicants for registration as nurses or for licenses as attendants shall not become effective for graduates of approved schools for nurses and for attendants until October first, nineteen hundred and forty-four.

Effective
date of act.

SECTION 10. Of the appointive members of the approving authority established by section fifteen A of chapter thirteen of the General Laws, inserted by section two of this act, initially appointed hereunder, one shall be appointed to serve for two years, one for four years and one for six years from October first in the current year. In lieu of designating from the board a nurse who is a member of the faculty of an approved school for attendants as a member of said approving authority, the governor shall from time to time until said October first, nineteen hundred and forty-four, designate as such any member of the board who is a

Appointments
of members
of approving
authority.

Duration of,
how made,
etc.

nurse. The provisions of this section shall govern notwithstanding any provision of chapter thirteen of the General Laws inserted by section two of this act.

Extension of
registration
of nurses.

SECTION 11. The period of registration of any nurse duly registered for the year nineteen hundred and forty-one, under the provisions of law in effect immediately prior to the effective date of this act, shall be extended until the birthday of said nurse in nineteen hundred and forty-two, without a new application or the payment of any additional fee, and without the issuance of a new certificate. For the purpose of this section the birthday of a person born on February twenty-ninth shall be deemed to be February twenty-eighth.

Alien regis-
tered nurses to
declare inten-
tion to become
citizens.

SECTION 12. Every alien nurse registered within the commonwealth prior to the effective date of this act shall, within one year following said effective date, present to the board a copy of his declaration of intention to become a citizen of the United States, certified by the clerk of the court in which it was filed, or a certificate from the Immigration and Naturalization Service of the United States, showing that in accordance with law he has declared his intention to become such a citizen. In case of his failure so to present such certificate, his certificate of registration and registration shall be suspended until he presents such certificate. Upon such presentation such suspension shall be revoked and his certificate of registration shall be reinstated. Unless such nurse shall present to the board, within five years following the presentation hereunder of the certificate hereinbefore referred to, his completed naturalization papers showing that he is a citizen of the United States, his certificate of registration shall be revoked and his registration cancelled.

Approved August 4, 1941.

Chap. 621 AN ACT RELATIVE TO APPOINTMENTS TO THE REGULAR POLICE FORCE IN CERTAIN CITIES AND TOWNS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to give certain rights to intermittent police officers, so called, in certain cities and towns with respect to their appointment to the regular police force therein, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 31,
new § 20C,
inserted.

Appointment of
intermittent
police officers
to regular
force.

Chapter thirty-one of the General Laws is hereby amended by inserting before section twenty-one, as amended, the following new section: — *Section 20C*. In each city and town having police officers subject to this chapter and classified as intermittent police officers, appointments to the regular force shall be made by the appointing authority upon certification by the director from the list of members of the police force of such city or town classified, in accordance with the

rules of the commission, as members of the special or substitute police force of such city or town, except that the basis of certification shall be the order of appointment as such intermittent police officers, or, if not ascertainable, the order of the respective ratings of such intermittent police officers obtained in the examination upon which the list of eligibles for appointment as such officers was based. No intermittent police officer who has passed his fiftieth birthday shall be appointed under this section to the regular police force of such city or town.

Approved August 4, 1941.

AN ACT TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF THE STATE TEACHERS COLLEGE AT WESTFIELD. Chap.622

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance and operation of the state teachers college at Westfield, and the boarding hall attached thereto, with the approval of the commissioner of education, the sums hereinafter set forth, for the several purposes and subject to the conditions hereinafter specified, are hereby appropriated from the general fund or revenue of the commonwealth, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and forty-one, and for the fiscal year ending November thirtieth, nineteen hundred and forty-two: —

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1314-00 State teachers college at Westfield, including not more than thirty-five permanent positions, to be in addition to any amount heretofore appropriated for the same purpose during the year nineteen hundred and forty-one	\$18,015	\$73,265
1314-21 State teachers college at Westfield, boarding hall, including not more than one permanent position, to be in addition to any amount heretofore appropriated for the same purpose during the year nineteen hundred and forty-one	450	1,200

SECTION 2. This act shall take effect upon its passage.

Approved August 4, 1941.

AN ACT PROVIDING FOR THE PAYMENT OF A CERTAIN SUM OF MONEY TO VERA K. DRABER OF BOURNE. Chap.623

Be it enacted, etc., as follows:

The town of Bourne is hereby authorized to pay to Vera K. Draber of said town the sum of twelve hundred and fifty dollars and fifty-one cents, being the amount expended by

said town for the relief and support of said Verna K. Draber and of her minor son, and for the payment of hospital and nursing bills for the care of her husband, Ervin Draber, who died on June eighth, nineteen hundred and thirty-eight, in consequence of injuries sustained by him on April twenty-seventh of the same year, while fighting a forest fire in the Shawme State Forest, said sum having been repaid by her to said town after receipt by her of the money paid under chapter seventy-six of the resolves of nineteen hundred and thirty-eight. If said town fails or refuses to make the payment to said Verna K. Draber as hereby authorized prior to April first, nineteen hundred and forty-two, the state treasurer shall issue his warrant requiring the assessors of said town to assess a tax to said amount, and said amount shall be collected and paid to the state treasurer in the same manner and subject to the same penalties as state taxes. Upon receipt of said amount, it shall be paid by the state treasurer to said Verna K. Draber.

Approved August 4, 1941.

Chap. 624 AN ACT INCREASING THE MINIMUM AND MAXIMUM AMOUNTS OF WEEKLY COMPENSATION TO BE PAID FOR TOTAL INCAPACITY UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 34, etc., amended.

Total incapacity.

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section thirty-four, as amended by section two of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section: — *Section 34.* While the incapacity for work resulting from the injury is total, the insurer shall pay to the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than twenty dollars nor less than eleven dollars a week, unless the weekly wages of the injured employee are less than eleven dollars, in which case said weekly compensation shall be equal to his average weekly wages, but in no case less than seven dollars a week where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the period covered by such compensation shall not be greater than five hundred weeks nor the amount more than forty-five hundred dollars.

Approved August 4, 1941.

Chap. 625 AN ACT PLACING UNDER CIVIL SERVICE CERTAIN EMPLOYEES OF THE STATE FARM.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, § 4, etc., amended.

SECTION 1. Section four of chapter thirty-one of the General Laws, as amended, is hereby further amended by adding at the end the following new paragraph: —

All permanent employees of the state farm, except those specifically exempted by law and qualified physicians and registered nurses. Employees of state farm.

SECTION 2. The incumbents, on the effective date of this act, of the positions at the state farm placed under civil service by section one of this act may continue to serve in such positions without taking a civil service examination, and their tenure of office shall be unlimited, subject, however, to the civil service laws. *Approved August 4, 1941.*

AN ACT RELATIVE TO THE REGISTRATION OF HAIRDRESSERS AND THE REGULATION OF THE OCCUPATION OF HAIRDRESSING. *Chap. 626*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-seven T of chapter one hundred and twelve of the General Laws, inserted by section two of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-five, is hereby amended by striking out the paragraph defining "Apprentice" and inserting after the definition of "Hairdressing" the following new paragraph:—

"Instructor," a person who teaches all branches of hairdressing and manicuring in a registered school. "Instructor" defined.

SECTION 2. Said section eighty-seven T, as so inserted, is hereby further amended by striking out the paragraph defining "Shop" and inserting in place thereof the following paragraph:—

"Shop," a beauty shop to which customers come for hairdressing and cosmetology. "Shop" defined.

SECTION 3. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven U, as amended by section two of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section:— *Section 87U.*

All students enrolled in registered schools shall, within fifteen days after entering upon their courses of study, be registered with the board by such schools. Students at registered schools may, within such fifteen day period, register with the board. No fee shall be required for such registration. No student shall practice hairdressing or manicuring upon any paying customer. A school shall not pay a student for any services rendered by him. Students of hairdressing, etc., to be registered.

SECTION 4. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven V, as amended by section three of said chapter three hundred and eighty-five, and inserting in place thereof the following section:— *Section 87V.*

Any registered student who has completed a course of at least six months, including at least one thousand hours of professional training, in a school approved by the board, if such registrant after application accompanied by an examination fee of five dollars

G. L. (Ter. Ed.), 112, § 87V, etc., amended.

Examination of operators.

for a first examination, together with two photographs of the applicant, or three dollars for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as an operator, and as such may practice hairdressing for compensation under the supervision of a registered hairdresser during the period of such original registration, and thereafter, upon payment annually of a renewal fee of two dollars. Any person making application for examination hereunder may be allowed to practice as an operator until the next examination by the board, and the board may grant, without charge, a permit authorizing him to practice as such operator until such next examination, and the board may extend such permit until a subsequent examination by the board.

G. L. (Ter.
Ed.), 112,
§ 87W, etc.,
amended.

Registration of
hairdressers.
Examination,
fee, etc.

SECTION 5. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven W, as amended by section four of said chapter three hundred and eighty-five, and inserting in place thereof the following section:— *Section 87W.* Any operator who has had not less than six months' practical experience as such, and who, after application accompanied by an examination fee of ten dollars for a first examination together with two photographs of the applicant or five dollars for a second or subsequent examination, passes a practical examination satisfactory to the board, may be registered by the board as a hairdresser, and thereafter may practice hairdressing in a registered shop for compensation and may supervise operators, without additional payment for the period during which such person was originally registered as an operator, and thereafter upon payment annually of a hairdresser's renewal fee of two dollars.

G. L. (Ter.
Ed.), 112,
§ 87X, etc.,
amended.

Registration of
manicurists.
Examination,
fee, etc.

SECTION 6. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven X, inserted by section two of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section:— *Section 87X.* Any registered student who has completed a course of at least one month, including at least one hundred hours of professional training in manicuring, in a school approved by the board, if such registrant after application accompanied by an examination fee of three dollars for a first examination together with two photographs of the applicant or two dollars for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as a manicurist and may practice manicuring for compensation during the period of such original registration, and thereafter upon payment annually of a renewal fee of two dollars.

G. L. (Ter.
Ed.), 112,
§ 87AA, etc.,
amended.

Registered
shop.

SECTION 7. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven AA, as so inserted, and inserting in place thereof the following section:— *Section 87AA.* The board may authorize one or more registered hairdressers or any person

employing one or more registered hairdressers, upon payment to the board of a shop registration fee of ten dollars, to operate a registered shop, and such person or persons may thereafter operate such shop upon payment annually of a shop registration renewal fee of five dollars; provided, that in the case of a shop conducted solely by a hairdresser owning the same, the shop registration fee and shop registration renewal fee shall each be two dollars. The owner of such shop shall not employ for hire or allow any hairdresser, operator or manicurist, to work in the shop unless registered in accordance with sections eighty-seven T to eighty-seven JJ, inclusive.

SECTION 8. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven CC, as so inserted, and inserting in place thereof the following section:—*Section 87CC.* The board shall make such uniform and reasonable rules and regulations as are necessary for the proper conduct of its business, the establishment of proper standards of professional skill in relation to, and the proper supervision of, hairdressers, manicurists, operators, shops, schools, students and instructors, and especially may prescribe such sanitary rules, subject to the approval of the department of public health, as it may deem necessary to prevent the spreading of infectious or contagious diseases, or both, but nothing herein shall authorize the board to limit the number of hairdressers, manicurists, shops, schools, operators, students or instructors in the commonwealth or in any given locality, or to regulate or fix compensation or prices, or to refuse to register a shop solely for the reason that such shop is to be conducted by a person in his own home on a full or part time basis, or to interfere in any way with the conduct of the business of hairdressing or manicuring, except so far as is necessary for the protection of the public health, safety or morals.

G. L. (Ter. Ed.), 112, § 87CC, etc., amended.

Rules and regulations concerning hairdressers, etc.

SECTION 9. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven GG, as so appearing, and inserting in place thereof the following section:—*Section 87GG.* Each registration granted under sections eighty-seven T to eighty-seven JJ, inclusive, shall expire on December thirty-first next succeeding its date, and shall be renewed upon the filing of an application therefor, and the payment of the prescribed renewal fee, on or before its expiration. In default of such renewal, a person registered under said sections as a hairdresser, manicurist, instructor or operator shall forfeit the right to engage in the occupation covered by such registration until the prescribed renewal fee shall have been paid; provided, that any hairdresser, manicurist, instructor or operator whose registration has not been so renewed within three years following the date of expiration thereof shall not be entitled to renewal of such registration but shall register anew under sections eighty-seven T to eighty-seven JJ, inclusive.

G. L. (Ter. Ed.), 112, § 87GG, etc., amended.

Expiration of registrations.

G. L. (Ter.
Ed.), 112,
§ 87II, etc.,
amended.

Penalty.

SECTION 10. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven II, as amended by section eight of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-seven, and inserting in place thereof the following section:— *Section 87II*. Whoever engages in or follows, or attempts to engage in or follow, the occupation of an instructor or of hairdressing or manicuring, unless duly registered by the board or unless granted a permit by the board under section eighty-seven V, and whoever conducts, or attempts to conduct, a shop or school not so registered, and whoever violates any provision of sections eighty-seven T to eighty-seven HH, inclusive, or any rule or regulation made under authority thereof, shall, in addition to any other penalty prescribed or authorized by said sections, be punished by a fine of not more than one hundred dollars.

G. L. (Ter.
Ed.), 112,
§ 87JJ, etc.,
amended.

Limitation
of certain
sections.

SECTION 11. Said chapter one hundred and twelve is hereby further amended by striking out section eighty-seven JJ, inserted by section two of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following section:— *Section 87JJ*. Nothing in sections eighty-seven T to eighty-seven II, inclusive, shall be deemed to authorize a hairdresser, instructor or operator to engage in massage or other occupation requiring a license, unless duly licensed therefor, or to prohibit a person registered under said sections from practicing or teaching any such occupation, if duly licensed therefor.

G. L. (Ter.
Ed.), 140,
§ 51, etc.,
amended.

Manicuring,
massage or
vapor baths
regulated.

SECTION 12. Chapter one hundred and forty of the General Laws is hereby amended by striking out section fifty-one, as most recently amended by section one of chapter fifty-five of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section:— *Section 51*. No person shall practice massage, or conduct an establishment for the giving of vapor baths for hire or reward, or advertise or hold himself out as being engaged in the business of massage or the giving of said baths without receiving a license therefor from the board of health of the town where the said occupation is to be carried on; provided, that a person registered as a barber or apprentice under the provisions of section eighty-seven H or section eighty-seven I of chapter one hundred and twelve or as a hairdresser, operator, or a student under the provisions of sections eighty-seven T to eighty-seven JJ, inclusive, of said chapter one hundred and twelve may practice facial and scalp massaging without taking out a license as provided in this section. The board of health may grant the license upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of the occupation so licensed, as it deems proper, and may revoke any license granted by it for such cause as it deems sufficient, and without a hearing; provided, that a person licensed to massage or to conduct an establishment for the giving of vapor baths in any town

may, at the request of a physician, attend patients in any other town in the commonwealth without taking out an additional license.

SECTION 13. Clause (3) of section eighty-eight of said chapter one hundred and twelve, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following:—, except that the fee for duplicates of certificates of registration issued under sections eighty-seven T to eighty-seven JJ, inclusive, shall be one dollar,—so as to read as follows:—

G. L. (Ter. Ed.), 112, § 88, cl. (3), amended.

(3) Issue a duplicate certificate of registration upon satisfactory evidence that the original certificate has been lost or destroyed, and the fee therefor shall be five dollars, except that the fee for duplicates of certificates of registration issued under sections eighty-seven T to eighty-seven JJ, inclusive, shall be one dollar.

Duplicate certificates.

Approved August 4, 1941.

AN ACT PLACING CERTAIN POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS UNDER THE CIVIL SERVICE LAWS. Chap. 627

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter thirty-one of the General Laws, as amended, is hereby further amended by adding at the end the following new paragraph:—

G. L. (Ter. Ed.), 31, § 4, etc., amended.

The labor service of the state department of public works.

Labor service in department of public works.

SECTION 2. The persons performing the duties of superintendent and assistant superintendent of the D street garage on the effective date of the act shall continue to be employed in the positions of superintendent and assistant superintendent, respectively, subject to chapter thirty-one of the General Laws.

SECTION 3. Chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-five is hereby amended by striking out, in the twelfth to the fourteenth lines, inclusive, the words "said appointments not being subject to chapter thirty-one of the General Laws, as appearing in the Tercentenary Edition,"—so as to read as follows:—All the powers, duties and obligations granted and imposed by sections one to twelve, inclusive, of chapter eight of the General Laws, as appearing in the Tercentenary Edition or as subsequently amended, upon the superintendent of buildings in so far as they relate to the office building known as the Public Works building on Nashua street in the city of Boston, are hereby transferred to and vested in the commissioner of public works, who shall have charge of the care and operation of said building, including the repair thereof and improvements thereto and the appointment of such employees as may be necessary to enable him to perform his duties; excepting only that the superintendent of buildings may, under the supervision of the governor and council, assign rooms in said office build-

ing, and may determine the occupancy thereof in such manner as the public service may require.

G. L. (Ter. Ed.), 31, new § 18A, inserted.

Positions in labor service of department of public works.

SECTION 4. Chapter thirty-one of the General Laws is hereby amended by inserting after section eighteen, as appearing in the Tercentenary Edition, the following new section:— *Section 18A.* Persons certified to fill positions in the labor service of the state department of public works shall be certified according to districts, to be established by the state department of public works.

SECTION 5. Chapter thirty-one of the General Laws, so far as it applies to positions in the labor service of the state department of public works, shall apply to districts as set up by the state department of public works, and not to the department as a whole.

SECTION 6. The persons holding, on July first of the current year, positions in the department of public works referred to in section one of this act may continue to serve in such positions without examination or re-appointment.

Approved August 4, 1941.

Chap. 628 AN ACT RELATIVE TO THE LAYING OUT, WIDENING AND RELOCATION OF CERTAIN STREETS AND WAYS IN THE TOWN OF MARSHFIELD AND THE TAKING OF LAND SUFFICIENT FOR SUITABLE BUILDING LOTS ON BOTH SIDES OF SUCH STREETS AND WAYS.

Be it enacted, etc., as follows:

SECTION 1. The officers of the town of Marshfield having jurisdiction of the alteration and relocation of highways and the making of specific repairs thereon and of the laying out, relocation and alteration of town ways are hereby authorized and directed, subject to all provisions of law relative thereto, to lay out, widen or relocate the following highways and streets, to be of such width as they may determine:—

1. To widen and relocate Ocean street from Satucket avenue, and from a point nearly opposite said avenue, to Third road.

2. To lay out, widen and relocate Foster avenue from a new intersection thereof with Ocean street nearly opposite Satucket avenue to Third road.

3. To lay out a new town way to be called Everson road, parallel to and next southwesterly from Ocean street, extending from Seminole avenue to Second road as hereinafter authorized.

4. To lay out a new town way to be called Plymouth avenue, parallel to and next southwesterly from said Everson road, extending from Seminole avenue to Second road as hereinafter authorized.

5. To relocate, widen and lay out Beach avenue from Foster avenue across Ocean street and said Everson road to said Plymouth road.

6. To relocate First road from Foster avenue to Ocean street

7. To lay out a new town way to be called Second road, in part over the approximate location of a private way, known as Second road, from Foster avenue across Ocean street to said Everson road and thence to said Plymouth road.

8. To relocate Third road from Foster avenue to Ocean street.

9. To lay out a new town way to be called Seminole avenue, in part over the location of a private way, known as Seminole avenue, from Ocean street to said Plymouth avenue.

10. To lay out the intersection of said Foster avenue and said Ocean street, and to lay out, widen or relocate the intersections between any of the above named existing or prospective public ways and any other existing or prospective public or private ways.

Said town may construct and improve the public ways and intersections hereby authorized to be laid out, widened and relocated, and in connection therewith may remove and relocate structures affixed to the land referred to in section two.

SECTION 2. For the purposes authorized by section one, said officers may, in the name of and in behalf of the town, take in fee by eminent domain under chapter seventy-nine of the General Laws by one or more takings, or acquire by purchase at a price of twenty-five per cent in excess of the average assessed valuation, exclusive of buildings, for the years nineteen hundred and thirty-eight, nineteen hundred and thirty-nine and nineteen hundred and forty, the land and property hereinafter specified, being more land and property than are required for the laying out, widening and relocation of the highways and streets specified in section one, and such additional land and property herein authorized to be taken being no more in extent than would be sufficient for suitable building lots abutting on said highways and streets; provided, that, if such price is unsatisfactory to either party, the town shall not acquire such property by purchase but shall take it by eminent domain under chapter seventy-nine of the General Laws: —

Lot 1. A parcel of land belonging to, or supposed to belong to, Catherine White, bounded and described as follows: — Beginning at a point in the southwesterly line of Ocean street about opposite the extension of the northwesterly line of Second road, said point bears northwesterly from and is about thirty-three feet distant from a stone bound marking a point of curve in the county layout of Ocean street, thence running southwesterly and bounded northwesterly by other land of Catherine White about five hundred and ninety feet, thence turning and running southeasterly about parallel with Ocean street and bounded southwesterly by other land of Catherine White about ten hundred and seventy-five feet, thence turning and running northeasterly in the extension of the northwesterly line of Seminole avenue

to land of Walter C. Hammond, thence running northerly and bounded easterly by said land of Hammond to land now or formerly of the estate of Wilmot V. Everson, thence turning and running westerly and northerly by said land of Everson to Ocean street and thence turning and running northwesterly in the southwesterly line of Ocean street to the point of beginning, and containing six acres more or less, — being lot number one on a "Plan of Abington Village and Adjacent Property in the Town of Marshfield, Massachusetts, May, 1941," drawn to a scale of one inch equals forty feet, by Lewis W. Perkins, county engineer, prepared for the purpose of describing lots to be taken under this act, which plan is filed with this act, and a copy of which is to be filed in the Plymouth county registry of deeds, if and when this act is accepted by the town. Reference is hereby made to said plan for a more complete description of this lot and of each and every other lot and parcel the taking of which is herein authorized.

Lot 2. A parcel of land belonging to, or supposed to belong to, Walter C. Hammond, Elizabeth Turner, Tr., containing about fifty-five hundred square feet, being lot number two, as shown on said plan.

Lot 3. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twenty-six hundred and seventy square feet, being lot number three, as shown on said plan.

Lot 4. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about sixteen hundred square feet, being lot number four, as shown on said plan.

Lot 5. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, or Walter J. Townes, containing about fifty-five hundred and seventy square feet, being lot number five, as shown on said plan.

Lot 6. A parcel of land belonging to, or supposed to belong to, Arthur M. Bowen, containing about fifteen hundred square feet, being lot number six, as shown on said plan.

Lot 7. A parcel of land belonging to, or supposed to belong to, Jeanette W. Baker, containing about two thousand and ninety square feet, being lot number seven, as shown on said plan.

Lot 8. A parcel of land belonging to, or supposed to belong to, Jeanette W. Baker, containing about fifteen hundred square feet, being lot number eight, as shown on said plan.

Lot 9. A parcel of land belonging to, or supposed to belong to, Jeanette W. Baker, containing about one thousand square feet, being lot number nine, as shown on said plan.

Lot 10. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, known as Winter street.

Lot 11. A parcel of land belonging to, or supposed to belong to, Mrs. Robert De Ossie, containing about thirteen

hundred and five square feet, being lot number eleven, as shown on said plan.

Lot 12. A parcel of land belonging to, or supposed to belong to, Leon Bourne, containing about twelve hundred and forty square feet, being lot number twelve, as shown on said plan.

Lot 13. A parcel of land belonging to, or supposed to belong to, Arthur Southworth, containing about fourteen hundred and forty-five square feet, being lot number thirteen, as shown on said plan.

Lot 14. A parcel of land belonging to, or supposed to belong to, George H. Brouthers, containing about sixteen hundred and fifty square feet, being lot number fourteen, as shown on said plan.

Lot 15. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eighteen hundred and sixty square feet, being lot number fifteen, as shown on said plan.

Lot 16. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred and thirty-five square feet, being lot number sixteen, as shown on said plan.

Lot 17. A parcel of land belonging to, or supposed to belong to, Albert H. Baker, containing about nine hundred square feet, being lot number seventeen, as shown on said plan.

Lot 18. A parcel of land belonging to, or supposed to belong to, Marion Guptil and Pauline Robertson Parsons, containing about nine hundred square feet, being lot number eighteen, as shown on said plan.

Lot 19. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eighteen hundred and sixty square feet, being lot number nineteen, as shown on said plan.

Lot 20. A parcel of land belonging to, or supposed to belong to, Irma Almond, containing about six hundred square feet, being lot number twenty, as shown on said plan.

Lot 21. A parcel of land belonging to, or supposed to belong to, Daisie O'Sullivan, containing about nineteen hundred and fifty square feet, being lot number twenty-one, as shown on said plan.

Lot 22. A parcel of land belonging to, or supposed to belong to, Mary H. Crowley, containing about six hundred square feet, being lot number twenty-two, as shown on said plan.

Lot 23. A parcel of land belonging to, or supposed to belong to, Mary H. Crowley, containing about two thousand four hundred and eighty square feet, being lot number twenty-three, as shown on said plan.

Lot 24. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two thousand seven hundred and twenty-five square feet, being lot number twenty-four, as shown on said plan.

Lot 25. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about seven hundred and seventy-eight square feet, being lot number twenty-five, as shown on said plan.

Lot 26. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number twenty-six, as shown on said plan.

Lot 27. A parcel of land belonging to, or supposed to belong to, Fred Tate, containing about one thousand square feet, being lot number twenty-seven, as shown on said plan.

Lot 28. A parcel of land belonging to, or supposed to belong to, Harold Haskins, containing about fifteen hundred square feet, being lot number twenty-eight, as shown on said plan.

Lot 29. A parcel of land belonging to, or supposed to belong to, Edella F. Studley, containing about fifteen hundred square feet, being lot number twenty-nine, as shown on said plan.

Lot 30. A parcel of land belonging to, or supposed to belong to, James Singleton, containing about fifteen hundred square feet, being lot number thirty, as shown on said plan.

Lot 31. A parcel of land belonging to, or supposed to belong to, Albert Jacobson, containing about fifteen hundred square feet, being lot number thirty-one, as shown on said plan.

Lot 32. A parcel of land belonging to, or supposed to belong to, Adeline Whalen, containing about fifteen hundred square feet, being lot number thirty-two, as shown on said plan.

Lot 33. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number thirty-three, as shown on said plan.

Lot 34. A parcel of land belonging to, or supposed to belong to, T. Mark Connelly, containing about fifteen hundred square feet, being lot number thirty-four, as shown on said plan.

Lot 35. A parcel of land belonging to, or supposed to belong to, Mary Crowley, containing about fifteen hundred square feet, being lot number thirty-five, as shown on said plan.

Lot 36. A parcel of land belonging to, or supposed to belong to, Mary Crowley, containing about eight hundred and twelve square feet, being lot number thirty-six, as shown on said plan.

Lot 37. A parcel of land belonging to, or supposed to belong to, Mary Crowley, containing about twelve hundred and forty square feet, being lot number thirty-seven, as shown on said plan.

Lot 38. A parcel of land belonging to, or supposed to belong to, George H. Murray, containing about eight hun-

dred square feet, being lot number thirty-eight, as shown on said plan.

Lot 39. A parcel of land belonging to, or supposed to belong to, George H. Murray, containing about eight hundred square feet, being lot number thirty-nine, as shown on said plan.

Lot 40. A parcel of land belonging to, or supposed to belong to, George H. Murray, containing about six hundred square feet, being lot number forty, as shown on said plan.

Lot 41. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, a private way, being lot number forty-one, as shown on said plan.

Lot 42. A parcel of land known as Greenland Street, belonging to, or supposed to belong to, W. V. Everson estate, being lot number forty-two, as shown on said plan.

Lot 43. A parcel of land belonging to, or supposed to belong to, Cornelius Murphy, containing about forty-six hundred and fifty square feet, being lot number forty-three, as shown on said plan.

Lot 44. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred and ten square feet, being lot number forty-four, as shown on said plan.

Lot 45. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred and seventy square feet, being lot number forty-five, as shown on said plan.

Lot 46. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about thirteen hundred and thirty square feet, being lot number forty-six, as shown on said plan.

Lot 47. A parcel of land belonging to, or supposed to belong to, Henry and Geneva M. Brilliant, containing about thirteen hundred and eighty square feet, being lot number forty-seven, as shown on said plan.

Lot 48. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and thirty square feet, being lot number forty-eight, as shown on said plan.

Lot 49. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and seventy square feet, being lot number forty-nine, as shown on said plan.

Lot 50. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and seventy square feet, being lot number fifty, as shown on said plan.

Lot 51. A parcel of land known as a private way, belonging to, or supposed to belong to, W. V. Everson estate, being lot number fifty-one, as shown on said plan.

Lot 52. A parcel of land belonging to, or supposed to belong to, Clara Bourne, containing about fifteen hundred

and thirty-eight square feet, being lot number fifty-two, as shown on said plan.

Lot 53. A parcel of land belonging to, or supposed to belong to, Clara Bourne, containing about fifteen hundred and sixty square feet, being lot number fifty-three, as shown on said plan.

Lot 54. A parcel of land belonging to, or supposed to belong to, E. P. McLeod, containing about fifteen hundred and seventy-seven square feet, being lot number fifty-four, as shown on said plan.

Lot 55. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eighty-six square feet, being lot number fifty-five, as shown on said plan.

Lot 56. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and ninety square feet, being lot number fifty-six, as shown on said plan.

Lot 57. A parcel of land belonging to, or supposed to belong to, Gertrude De Chambeau, containing about fifteen hundred and ninety square feet, being lot number fifty-seven, as shown on said plan.

Lot 58. A parcel of land belonging to, or supposed to belong to, James Warner, containing about fifteen hundred and eighty-one square feet, being lot number fifty-eight, as shown on said plan.

Lot 59. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and sixty-eight square feet, being lot number fifty-nine, as shown on said plan.

Lot 60. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about one thousand and thirty-seven square feet, being lot number sixty, as shown on said plan.

Lot 61. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two thousand and fifty-five square feet, being lot number sixty-one, as shown on said plan.

Lot 62. A parcel of land belonging to, or supposed to belong to, Leo J. Hopkins et ux., containing fifteen hundred and twenty-four square feet, being lot number sixty-two, as shown on said plan.

Lot 63. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and sixty-three square feet, being lot number sixty-three, as shown on said plan.

Lot 64. A parcel of land belonging to, or supposed to belong to, Simon O'Connell, containing about eight hundred square feet, being lot number sixty-four, as shown on said plan.

Lot 65. A parcel of land belonging to, or supposed to belong to, James Conefrey, containing about eight hundred

square feet, being lot number sixty-five, as shown on said plan.

Lot 66. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number sixty-six, as shown on said plan.

Lot 67. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number sixty-seven, as shown on said plan.

Lot 68. A parcel of land belonging to, or supposed to belong to, Morris Villiers, containing about eight hundred square feet, being lot number sixty-eight, as shown on said plan.

Lot 69. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number sixty-nine, as shown on said plan.

Lot 70. A parcel of land belonging to, or supposed to belong to, Emma Bourne, containing about eight hundred square feet, being lot number seventy, as shown on said plan.

Lot 71. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number seventy-one, as shown on said plan.

Lot 72. A parcel of land belonging to, or supposed to belong to, Plymouth Co-operative Bank, containing about eighteen hundred and fifteen square feet, being lot number seventy-two, as shown on said plan.

Lot 73. A parcel of land belonging to, or supposed to belong to, Herbert E. Jordan, containing about fifteen hundred square feet, being lot number seventy-three, as shown on said plan.

Lot 74. A parcel of land belonging to, or supposed to belong to, Herbert E. Jordan, containing about fourteen hundred and ninety-two square feet, being lot number seventy-four, as shown on said plan.

Lot 75. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number seventy-five, as shown on said plan.

Lot 76. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number seventy-six, as shown on said plan.

Lot 77. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred and eighteen square feet, being lot number seventy-seven, as shown on said plan.

Lot 78. A parcel of land belonging to, or supposed to belong to, Clara Bourne, containing about fourteen hundred and fifty-four square feet, being lot number seventy-eight, as shown on said plan.

Lot 79. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number seventy-nine, as shown on said plan.

Lot 80. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty, as shown on said plan.

Lot 81. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-one, as shown on said plan.

Lot 82. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and sixty-seven square feet, being lot number eighty-two, as shown on said plan.

Lot 83. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and sixty-seven square feet, being lot number eighty-three, as shown on said plan.

Lot 84. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-four, as shown on said plan.

Lot 85. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-five, as shown on said plan.

Lot 86. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-six, as shown on said plan.

Lot 87. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-seven, as shown on said plan.

Lot 88. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-eight, as shown on said plan.

Lot 89. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number eighty-nine, as shown on said plan.

Lot 90. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and thirty-eight square feet, being lot number ninety, as shown on said plan.

Lot 91. A parcel of land belonging to, or supposed to belong to, Catherine McKeever, containing about eighteen hundred square feet, being lot number ninety-one, as shown on said plan.

Lot 92. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, known as Newbury Street, being lot number ninety-two, as shown on said plan.

Lot 93. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred square feet, being lot number ninety-three, as shown on said plan.

Lot 94. A parcel of land belonging to, or supposed to belong to, Charles I. Bassett, containing about sixty-four hundred and fifty square feet, being lot number ninety-four, as shown on said plan.

Lot 95. A parcel of land belonging to, or supposed to belong to, Harold W. Sturtevant, containing about two thousand and seven square feet, being lot number ninety-five, as shown on said plan.

Lot 96. A parcel of land belonging to, or supposed to belong to, Harold W. Sturtevant, containing about fifteen hundred square feet, being lot number ninety-six, as shown on said plan.

Lot 97. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number ninety-seven, as shown on said plan.

Lot 98. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number ninety-eight, as shown on said plan.

Lot 99. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number ninety-nine, as shown on said plan.

Lot 100. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number one hundred, as shown on said plan.

Lot 101. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number one hundred and one, as shown on said plan.

Lot 102. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number one hundred and two, as shown on said plan.

Lot 103. A parcel of land belonging to, or supposed to belong to, Horatio Purcell, containing about fifteen hundred and eight square feet, being lot number one hundred and three, as shown on said plan.

Lot 104. A parcel of land belonging to, or supposed to belong to, Annie O'Neil, containing about fifteen hundred and eight square feet, being lot number one hundred and four, as shown on said plan.

Lot 105. A parcel of land belonging to, or supposed to

belong to, Annie O'Neil, containing about fifteen hundred and eight square feet, being lot number one hundred and five, as shown on said plan.

Lot 106. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and four square feet, being lot number one hundred and six, as shown on said plan.

Lot 107. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number one hundred and seven, as shown on said plan.

Lot 108. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and forty square feet, being lot number one hundred and eight, as shown on said plan.

Lot 109. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred and fifty square feet, being lot number one hundred and nine, as shown on said plan.

Lot 110. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number one hundred and ten, as shown on said plan.

Lot 111. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twelve hundred square feet, being lot number one hundred and eleven, as shown on said plan.

Lot 112. A parcel of land belonging to, or supposed to belong to, Leslie and Delphine Clark, containing about fifteen hundred square feet, being lot number one hundred and twelve, as shown on said plan.

Lot 113. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number one hundred and thirteen, as shown on said plan.

Lot 114. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number one hundred and fourteen, as shown on said plan.

Lot 115. A parcel of land belonging to, or supposed to belong to, Leslie and Delphine Clark, containing about fifteen hundred square feet, being lot number one hundred and fifteen, as shown on said plan.

Lot 116. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number one hundred and sixteen, as shown on said plan.

Lot 117. A parcel of land belonging to, or supposed to belong to, Mary Blanchard, containing about one thousand square feet, being lot number one hundred and seventeen, as shown on said plan.

Lot 118. A parcel of land belonging to, or supposed to belong to, William G. McGlinchey, containing about twenty-

five hundred square feet, being lot number one hundred and eighteen, as shown on said plan.

Lot 119. A parcel of land belonging to, or supposed to belong to, Mary G. Horrigan, containing about twenty-five hundred square feet, being lot number one hundred and nineteen, as shown on said plan.

Lot 120. A parcel of land belonging to, or supposed to belong to, Elizabeth Hennessey, containing about twenty-four hundred and ninety-eight square feet, being lot number one hundred and twenty, as shown on said plan.

Lot 121. A parcel of land belonging to, or supposed to belong to, Annie Casey, containing about twenty-six hundred and forty square feet, being lot number one hundred and twenty-one, as shown on said plan.

Lot 122. A parcel of land belonging to, or supposed to belong to, Carl M. Bourne, containing about fifteen hundred square feet, being lot number one hundred and twenty-two, as shown on said plan.

Lot 123. A parcel of land belonging to, or supposed to belong to, Ellsworth Bourne, containing about fifteen hundred square feet, being lot number one hundred and twenty-three, as shown on said plan.

Lot 124. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about thirteen hundred square feet, being lot number one hundred and twenty-four, as shown on said plan.

Lot 125. A parcel of land belonging to, or supposed to belong to, James Condon, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and twenty-five, as shown on said plan.

Lot 126. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and twenty-six, as shown on said plan.

Lot 127. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and twenty-seven, as shown on said plan.

Lot 128. A parcel of land belonging to, or supposed to belong to, Theresa E. Condon, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and twenty-eight, as shown on said plan.

Lot 129. A parcel of land belonging to, or supposed to belong to, Nellie M. Jones, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and twenty-nine, as shown on said plan.

Lot 130. A parcel of land belonging to, or supposed to belong to, Johanna T. Hunt, containing about fourteen hundred and ninety-two square feet, being lot number one hundred and thirty, as shown on said plan.

Lot 131. A parcel of land belonging to, or supposed to belong to, Johanna T. Hunt, containing about fourteen hun-

dred and ninety-four square feet, being lot number one hundred and thirty-one, as shown on said plan.

Lot 132. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number one hundred and thirty-two, as shown on said plan.

Lot 133. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number one hundred and thirty-three, as shown on said plan.

Lot 134. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about seventeen hundred square feet, being lot number one hundred and thirty-four, as shown on said plan.

Lot 135. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two thousand square feet, being lot number one hundred and thirty-five, as shown on said plan.

Lot 136. A parcel of land belonging to, or supposed to belong to, Abbie and Wallace Blanchard, containing about eleven hundred square feet, being lot number one hundred and thirty-six, as shown on said plan.

Lot 137. A parcel of land belonging to, or supposed to belong to, Abbie and Wallace Blanchard, containing about nine hundred square feet, being lot number one hundred and thirty-seven, as shown on said plan.

Lot 138. A parcel of land belonging to, or supposed to belong to, Abbie Blanchard, containing about fifteen hundred square feet, being lot number one hundred and thirty-eight, as shown on said plan.

Lot 139. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about four thousand square feet, being lot number one hundred and thirty-nine, as shown on said plan.

Lot 140. A parcel of land belonging to, or supposed to belong to, Andrew T. Monahan, containing about fourteen hundred square feet, being lot number one hundred and forty, as shown on said plan.

Lot 141. A parcel of land known as Wyoma place, belonging to, or supposed to belong to, W. V. Everson estate, being lot number one hundred and forty-one, as shown on said plan.

Lot 142. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred square feet, being lot number one hundred and forty-two, as shown on said plan.

Lot 143. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eighteen hundred square feet, being lot number one hundred and forty-three, as shown on said plan.

Lot 144. A parcel of land belonging to, or supposed to belong to, Gladys Hennigar, containing about fifteen hun-

dred square feet, being lot number one hundred and forty-four, as shown on said plan.

Lot 145. A parcel of land belonging to, or supposed to belong to, Wilfred J. Croteau, containing about fifteen hundred square feet, being lot number one hundred and forty-five, as shown on said plan.

Lot 146. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eight hundred square feet, being lot number one hundred and forty-six, as shown on said plan.

Lot 147. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, a private way, being lot number one hundred and forty-seven, as shown on said plan.

Lot 148. A parcel of land belonging to, or supposed to belong to, Margaret Bryce, containing about eight hundred and ten square feet, being lot number one hundred and forty-eight, as shown on said plan.

Lot 149. A parcel of land belonging to, or supposed to belong to, Margaret Bryce, containing about seven hundred and twenty square feet, being lot number one hundred and forty-nine, as shown on said plan.

Lot 150. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about seven hundred and five square feet, being lot number one hundred and fifty, as shown on said plan.

Lot 151. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about ten hundred and thirty square feet, being lot number one hundred and fifty-one, as shown on said plan.

Lot 152. A parcel of land belonging to, or supposed to belong to, Nona Z. Horrigan, containing about twenty-five hundred square feet, being lot number one hundred and fifty-two, as shown on said plan.

Lot 153. A parcel of land belonging to, or supposed to belong to, Clara M. Bourne, containing about two thousand square feet, being lot number one hundred and fifty-three, as shown on said plan.

Lot 154. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about thirteen hundred and fifty-three square feet, being lot number one hundred and fifty-four, as shown on said plan.

Lot 155. A parcel of land belonging to, or supposed to belong to, Margaret A'Hearn, containing about thirteen hundred and fifty-seven square feet, being lot number one hundred and fifty-five, as shown on said plan.

Lot 156. A parcel of land belonging to, or supposed to belong to, Margaret Doyle, containing about thirteen hundred and fifty-seven square feet, being lot number one hundred and fifty-six, as shown on said plan.

Lot 157. A parcel of land belonging to, or supposed to belong to, Anastasia Heffernan, containing about fifteen

hundred square feet, being lot number one hundred and fifty-seven, as shown on said plan.

Lot 158. A parcel of land belonging to, or supposed to belong to, Joseph S. Fritz et ux., containing about fourteen hundred and forty-three square feet, being lot number one hundred and fifty-eight, as shown on said plan.

Lot 159. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about fifteen hundred and eight square feet, being lot number one hundred and fifty-nine, as shown on said plan.

Lot 160. A parcel of land belonging to, or supposed to belong to, William E. Temprow et ux., containing about fifteen hundred and eight square feet, being lot number one hundred and sixty, as shown on said plan.

Lot 161. A parcel of land belonging to, or supposed to belong to, Frank Delgaudio, containing about fifteen hundred and eight square feet, being lot number one hundred and sixty-one, as shown on said plan.

Lot 162. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eleven hundred and eighty-eight square feet, being lot number one hundred and sixty-two, as shown on said plan.

Lot 163. A parcel of land known as Wyoma park, belonging to, or supposed to belong to, W. V. Everson estate, being lot number one hundred and sixty-three, as shown on said plan.

Lot 164. A parcel of land known as Wyoma avenue, belonging to, or supposed to belong to, W. V. Everson estate, being lot number one hundred and sixty-four, as shown on said plan.

Lot 165. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about four thousand square feet, being lot number one hundred and sixty-five, as shown on said plan.

Lot 166. A parcel of land belonging to, or supposed to belong to, Nona Z. Horrigan, containing about four thousand square feet, being lot number one hundred and sixty-six, as shown on said plan.

Lot 167. A parcel of land belonging to, or supposed to belong to, Arthur Tradd, containing about four thousand square feet, being lot number one hundred and sixty-seven, as shown on said plan.

Lot 168. A parcel of land belonging to, or supposed to belong to, Louise Smith, containing about nineteen hundred and twenty square feet, being lot number one hundred and sixty-eight, as shown on said plan.

Lot 169. A parcel of land belonging to, or supposed to belong to, Anna Rodes, containing about three thousand and forty square feet, being lot number one hundred and sixty-nine, as shown on said plan.

Lot 170. A parcel of land belonging to, or supposed to belong to, Charles and Mary Upham, containing about

thirty-two hundred and eighty square feet, being lot number one hundred and seventy, as shown on said plan.

Lot 171. A parcel of land belonging to, or supposed to belong to, Arthur Tradd, containing about two thousand square feet, being lot number one hundred and seventy-one, as shown on said plan.

Lot 172. A parcel of land belonging to, or supposed to belong to, estate of Walter H. Clark, containing about four thousand square feet, being lot number one hundred and seventy-two, as shown on said plan.

Lot 173. A parcel of land belonging to, or supposed to belong to, John and Nora Foley, containing about four thousand square feet, being lot number one hundred and seventy-three, as shown on said plan.

Lot 174. A parcel of land belonging to, or supposed to belong to, Jennie Archambault, containing about seven hundred and twenty-six square feet, being lot number one hundred and seventy-four, as shown on said plan.

Lot 175. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about seven hundred and twenty-six square feet, being lot number one hundred and seventy-five, as shown on said plan.

Lot 176. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about nine hundred and ninety square feet, being lot number one hundred and seventy-six, as shown on said plan.

Lot 177. A parcel of land belonging to, or supposed to belong to, Charles Upham, containing about six hundred and forty-eight square feet, being lot number one hundred and seventy-seven, as shown on said plan.

Lot 178. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, known as West Beach avenue, being lot number one hundred and seventy-eight, as shown on said plan.

Lot 179. A parcel of land belonging to, or supposed to belong to, Arthur Gadd, containing about four thousand square feet, being lot number one hundred and seventy-nine, as shown on said plan.

Lot 180. A parcel of land belonging to, or supposed to belong to, Mary Moynihan, containing about twelve hundred square feet, being lot number one hundred and eighty, as shown on said plan.

Lot 181. A parcel of land belonging to, or supposed to belong to, Daniel M. Glynn, containing about nine hundred and sixty square feet, being lot number one hundred and eighty-one, as shown on said plan.

Lot 182. A parcel of land belonging to, or supposed to belong to, Warren Coombs, containing about one thousand and eighty square feet, being lot number one hundred and eighty-two, as shown on said plan.

Lot 183. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about sixteen

hundred and fifty square feet, being lot number one hundred and eighty-three, as shown on said plan.

Lot 184. A parcel of land belonging to, or supposed to belong to, Merriom Newcomb, containing about sixteen hundred and fifty square feet, being lot number one hundred and eighty-four, as shown on said plan.

Lot 185. A parcel of land belonging to, or supposed to belong to, Arthur L. Everson, containing about nineteen hundred and ninety-two square feet, being lot number one hundred and eighty-five, as shown on said plan.

Lot 186. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two thousand square feet, being lot number one hundred and eighty-six, as shown on said plan.

Lot 187. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two thousand square feet, being lot number one hundred and eighty-seven, as shown on said plan.

Lot 188. A parcel of land, known as a private way, belonging to, or supposed to belong to, W. V. Everson estate, being lot number one hundred and eighty-eight, as shown on said plan.

Lot 189. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about sixteen hundred square feet, being lot number one hundred and eighty-nine, as shown on said plan.

Lot 190. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about eighteen hundred square feet, being lot number one hundred and ninety, as shown on said plan.

Lot 191. A parcel of land belonging to, or supposed to belong to, Adelard Demers, containing about thirty-two hundred square feet, being lot number one hundred and ninety-one, as shown on said plan.

Lot 192. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, known as a private way, being lot number one hundred and ninety-two, as shown on said plan.

Lot 193. A parcel of land belonging to, or supposed to belong to, Mary Horrigan, containing about thirty-two hundred square feet, being lot number one hundred and ninety-three, as shown on said plan.

Lot 194. A parcel of land belonging to, or supposed to belong to, Bartholomew Finnerty, containing twenty-one hundred and forty-five square feet, being lot number one hundred and ninety-four, as shown on said plan.

Lot 195. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, known as a private way, being lot number one hundred and ninety-five, as shown on said plan.

Lot 196. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twenty-

three hundred square feet, being lot number one hundred and ninety-six, as shown on said plan.

Lot 197. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about six hundred and eighty square feet, being lot number one hundred and ninety-seven, as shown on said plan.

Lot 198. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about two hundred and eighty square feet, being lot number one hundred and ninety-eight, as shown on said plan.

Lot 199. A parcel of land belonging to, or supposed to belong to, Harrison Soule, containing about forty-two hundred and eighty square feet, being lot number one hundred and ninety-nine, as shown on said plan.

Lot 200. A parcel of land belonging to, or supposed to belong to, Lillian C. Alden, containing about seventy-three hundred and fifty square feet, being lot number two hundred, as shown on said plan.

Lot 201. A parcel of land belonging to, or supposed to belong to, George Conant, containing about thirty-four hundred square feet, being lot number two hundred and one, as shown on said plan.

Lot 202. A parcel of land belonging to, or supposed to belong to, Sumner P. Bowker, containing about thirty-seven hundred and fifteen square feet, being lot number two hundred and two, as shown on said plan.

Lot 203. A parcel of land belonging to, or supposed to belong to, Samuel Drake, containing about thirty-seven hundred and fifteen square feet, being lot number two hundred and three, as shown on said plan.

Lot 204. A parcel of land belonging to, or supposed to belong to, George King, containing about seventeen hundred square feet, being lot number two hundred and four, as shown on said plan.

Lot 205. A parcel of land belonging to, or supposed to belong to, Jotham Dunham, containing about eight thousand square feet, being lot number two hundred and five, as shown on said plan.

Lot 206. A parcel of land belonging to, or supposed to belong to, Jotham Dunham, known as Dunham Lane, being lot number two hundred and six, as shown on said plan.

Lot 207. A parcel of land belonging to, or supposed to belong to, George King, containing about fifteen hundred and forty square feet, being lot number two hundred and seven, as shown on said plan.

Lot 208. A parcel of land belonging to, or supposed to belong to, Edwin H. Ewell, containing about twenty-three hundred and ninety square feet, being lot number two hundred and eight, as shown on said plan.

Lot 209. A parcel of land belonging to, or supposed to belong to, Arch Freeman, containing about forty-five hun-

dred and ten square feet, being lot number two hundred and nine, as shown on said plan.

Lot 210. A parcel of land belonging to, or supposed to belong to, Anna McMullen, containing about twenty-two hundred square feet, being lot number two hundred and ten, as shown on said plan.

Lot 211. A parcel of land belonging to, or supposed to belong to, Anna E. Keith, containing about two thousand square feet, being lot number two hundred and eleven, as shown on said plan.

Lot 212. A parcel of land belonging to, or supposed to belong to, Josephine W. Cook, containing about two thousand square feet, being lot number two hundred and twelve, as shown on said plan.

Lot 213. A parcel of land belonging to, or supposed to belong to, Leo Sullivan, containing about thirty-seven hundred and fifty square feet, being lot number two hundred and thirteen, as shown on said plan.

Lot 214. A parcel of land known as Shepard Avenue, a Private Way, being lot number two hundred and fourteen, as shown on said plan.

Lot 215. A parcel of land belonging to, or supposed to belong to, George Fuller, containing about thirty-three hundred and fifty square feet, being lot number two hundred and fifteen, as shown on said plan.

Lot 216. A parcel of land belonging to, or supposed to belong to, Marcella Bumpus, containing about two thousand and forty-six square feet, being lot number two hundred and sixteen, as shown on said plan.

Lot 217. A parcel of land belonging to, or supposed to belong to, Annie McVay, containing about two thousand and thirty-two square feet, being lot number two hundred and seventeen, as shown on said plan.

Lot 218. A parcel of land belonging to, or supposed to belong to, Jane Philbrick, containing about thirty-seven hundred and seventy-two square feet, being lot number two hundred and eighteen, as shown on said plan.

Lot 219. A private way, known as So. Abington Ave., being lot number two hundred and nineteen, as shown on said plan.

Lot 220. A parcel of land belonging to, or supposed to belong to, George E. Fuller, containing about sixteen hundred and twenty-five square feet, being lot number two hundred and twenty, as shown on said plan.

Lot 221. A parcel of land belonging to, or supposed to belong to, George E. Fuller, containing about fifteen hundred and seventy-five square feet, being lot number two hundred and twenty-one, as shown on said plan.

Lot 222. A public way known as Abington Ave., being lot number two hundred and twenty-two, as shown on said plan.

Lot 223. A parcel of land belonging to, or supposed to belong to, Fred Archambault, containing about two thou-

sand square feet, being lot number two hundred and twenty-three, as shown on said plan.

Lot 224. A parcel of land belonging to, or supposed to belong to, Fred Archambault, containing about twenty-six hundred and sixty square feet, being lot number two hundred and twenty-four, as shown on said plan.

Lot 225. A parcel of land belonging to, or supposed to belong to, Everett C. Ford, containing about twenty-nine hundred square feet, being lot number two hundred and twenty-five, as shown on said plan.

Lot 226. A parcel of land belonging to, or supposed to belong to, Everett C. Ford, containing about thirty-three hundred and seventy-five square feet, being lot number two hundred and twenty-six, as shown on said plan.

Lot 227. A parcel of land belonging to, or supposed to belong to, Cora E. Sharp, containing about nineteen hundred and sixty-five square feet, being lot number two hundred and twenty-seven, as shown on said plan.

Lot 228. A parcel of land belonging to, or supposed to belong to, Charles Adams, containing about twelve hundred square feet, being lot number two hundred and twenty-eight, as shown on said plan.

Lot 229. A parcel of land belonging to, or supposed to belong to, Ethel K. Green, containing about sixteen hundred and sixty square feet, being lot number two hundred and twenty-nine, as shown on said plan.

Lot 230. A parcel of land belonging to, or supposed to belong to, John H. Galligan, containing about eighteen hundred and fifty-five square feet, being lot number two hundred and thirty, as shown on said plan.

Lot 231. A parcel of land belonging to, or supposed to belong to, Ralph Packard, containing about twenty-five hundred square feet, being lot number two hundred and thirty-one, as shown on said plan.

Lot 232. A parcel of land belonging to, or supposed to belong to, Everett C. Ford, containing about eighteen hundred and seventy-five square feet, being lot number two hundred and thirty-two, as shown on said plan.

Lot 233. A parcel of land belonging to, or supposed to belong to, W. Ernest Hathaway, containing about thirty-nine hundred square feet, being lot number two hundred and thirty-three, as shown on said plan.

Lot 234. A parcel of land belonging to, or supposed to belong to, W. Ernest Hathaway, containing about fifty-one hundred square feet, being lot number two hundred and thirty-four, as shown on said plan.

Lot 235. A parcel of land belonging to, or supposed to belong to, Adolphus J. E. Chaplain, containing about twenty-two hundred and seventy-one square feet, being lot number two hundred and thirty-five, as shown on said plan.

Lot 236. A parcel of land belonging to, or supposed to belong to, Henry McClintock, containing about twenty-

four hundred and sixty-six square feet, being lot number two hundred and thirty-six, as shown on said plan.

Lot 237. A parcel of land belonging to, or supposed to belong to, George D. Lewis, containing about twenty-six hundred and fifty-one square feet, being lot number two hundred and thirty-seven, as shown on said plan.

Lot 238. A parcel of land belonging to, or supposed to belong to, Phillip Vigon, containing about twenty-eight hundred and fifty-five square feet, being lot number two hundred and thirty-eight, as shown on said plan.

Lot 239. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about three thousand and sixty square feet, being lot number two hundred and thirty-nine, as shown on said plan.

Lot 240. A parcel of land belonging to, or supposed to belong to, John M. Tobin, containing about fifty-eight hundred and ninety-eight square feet, being lot number two hundred and forty, as shown on said plan.

Lot 241. A private way, known as Westerly Ave., being lot number two hundred and forty-one, as shown on said plan.

Lot 242. A parcel of land belonging to, or supposed to belong to, Hardy E. Banks, containing about twenty-two hundred and forty square feet, being lot number two hundred and forty-two, as shown on said plan.

Lot 243. A parcel of land belonging to, or supposed to belong to, W. Ernest Hathaway, containing about three thousand square feet, being lot number two hundred and forty-three, as shown on said plan.

Lot 244. A parcel of land belonging to, or supposed to belong to, E. A. McKenzie, containing about twenty-four hundred square feet, being lot number two hundred and forty-four, as shown on said plan.

Lot 245. A parcel of land belonging to, or supposed to belong to, Joseph McIver, containing about twenty-four hundred square feet, being lot number two hundred and forty-five, as shown on said plan.

Lot 246. A parcel of land belonging to, or supposed to belong to, Joseph McIver, containing about twenty-four hundred square feet, being lot number two hundred and forty-six, as shown on said plan.

Lot 247. A parcel of land belonging to, or supposed to belong to, the town of Marshfield, containing about twenty-four hundred square feet, being lot number two hundred and forty-seven, as shown on said plan.

Lot 248. A parcel of land belonging to, or supposed to belong to, the town of Marshfield, containing about twenty-four hundred square feet, being lot number two hundred and forty-eight, as shown on said plan.

Lot 249. A parcel of land belonging to, or supposed to belong to, Annie Magoun, containing about forty-two hundred square feet, being lot number two hundred and forty-nine, as shown on said plan.

Lot 250. A parcel of land belonging to, or supposed to belong to, Minnie Dean, containing about twenty-seven hundred square feet, being lot number two hundred and fifty, as shown on said plan.

Lot 251. A parcel of land belonging to, or supposed to belong to, William A. Howard, containing about twenty-nine hundred and sixty square feet, being lot number two hundred and fifty-one, as shown on said plan.

Lot 252. A parcel of land belonging to, or supposed to belong to, Emma Whitemarsh, containing about eighteen hundred and seventy-three square feet, being lot number two hundred and fifty-two, as shown on said plan.

Lot 253. A parcel of land belonging to, or supposed to belong to, Roland Darling, containing about sixteen hundred and eighty-three square feet, being lot number two hundred and fifty-three, as shown on said plan.

Lot 254. A parcel of land belonging to, or supposed to belong to, E. A. Menslage, containing about twenty-four hundred square feet, being lot number two hundred and fifty-four, as shown on said plan.

Lot 255. A parcel of land belonging to, or supposed to belong to, Joseph McIver, containing about twenty-four hundred square feet, being lot number two hundred and fifty-five, as shown on said plan.

Lot 256. A parcel of land belonging to, or supposed to belong to, Leon Millet, containing about twenty-four hundred square feet, being lot number two hundred and fifty-six, as shown on said plan.

Lot 257. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twenty-four hundred square feet, being lot number two hundred and fifty-seven, as shown on said plan.

Lot 258. A parcel of land belonging to, or supposed to belong to, Jessie R. Ingalls, containing about twenty-four hundred square feet, being lot number two hundred and fifty-eight, as shown on said plan.

Lot 259. A parcel of land belonging to, or supposed to belong to, Burton Faxon, containing about twenty-four hundred square feet, being lot number two hundred and fifty-nine, as shown on said plan.

Lot 260. A parcel of land belonging to, or supposed to belong to, Marquis W. Josselyn, containing about thirty-nine hundred and ninety square feet, being lot number two hundred and sixty, as shown on said plan.

Lot 261. A public way known as Beach Avenue, being lot number two hundred and sixty-one, as shown on said plan.

Lot 262. A parcel of land belonging to, or supposed to belong to, Annie O'Neil, containing about eighteen hundred and seventy-six square feet, being lot number two hundred and sixty-two, as shown on said plan.

Lot 263. A parcel of land belonging to, or supposed to belong to, Annie O'Neil, containing about twenty-two hun-

dred and ninety-five square feet, being lot number two hundred and sixty-three, as shown on said plan.

Lot 264. A parcel of land belonging to, or supposed to belong to, Margaret Regan, containing about twenty-five hundred and thirty-one square feet, being lot number two hundred and sixty-four, as shown on said plan.

Lot 265. A parcel of land belonging to, or supposed to belong to, John M. Condric, containing about twenty-seven hundred and sixty-one square feet, being lot number two hundred and sixty-five, as shown on said plan.

Lot 266. A parcel of land belonging to, or supposed to belong to, Rose B. Darling, containing about twenty-nine hundred and eighty-nine square feet, being lot number two hundred and sixty-six, as shown on said plan.

Lot 267. A parcel of land belonging to, or supposed to belong to, Rose B. Darling, containing about thirty-two hundred and three square feet, being lot number two hundred and sixty-seven, as shown on said plan.

Lot 268. A parcel of land belonging to, or supposed to belong to, Katherine A. Tobin, containing about twenty-seven hundred and fifty-five square feet, being lot number two hundred and sixty-eight, as shown on said plan.

Lot 269. A parcel of land belonging to, or supposed to belong to, Ora Merrill, containing about twenty-seven hundred and eight square feet, being lot number two hundred and sixty-nine, as shown on said plan.

Lot 270. A parcel of land belonging to, or supposed to belong to, W. Ernest Hathaway, containing about twenty-six hundred and sixty-one square feet, being lot number two hundred and seventy, as shown on said plan.

Lot 271. A parcel of land belonging to, or supposed to belong to, James Lehan, containing about twenty-six hundred and thirteen square feet, being lot number two hundred and seventy-one, as shown on said plan.

Lot 272. A parcel of land belonging to, or supposed to belong to, Stephen Gillis, containing about twenty-three hundred and seventy square feet, being lot number two hundred and seventy-two, as shown on said plan.

Lot 273. A parcel of land belonging to, or supposed to belong to, John Galligan, containing about two thousand and forty square feet, being lot number two hundred and seventy-three, as shown on said plan.

Lot 274. A parcel of land belonging to, or supposed to belong to, Sarah M. Mullins, containing about thirty-seven hundred and thirty-five square feet, being lot number two hundred and seventy-four, as shown on said plan.

Lot 275. A parcel of land belonging to, or supposed to belong to, Sarah M. Mullins, containing about thirty-seven hundred and thirty-five square feet, being lot number two hundred and seventy-five, as shown on said plan.

Lot 276. A parcel of land belonging to, or supposed to belong to, Walter H. Gorey, containing about thirty-two

hundred and ninety-seven square feet, being lot number two hundred and seventy-six, as shown on said plan.

Lot 277. A parcel of land belonging to, or supposed to belong to, James Lehan, containing about thirty-three hundred and fifty-eight square feet, being lot number two hundred and seventy-seven, as shown on said plan.

Lot 278. A public way, known as First road, being lot number two hundred and seventy-eight, as shown on said plan.

Lot 279. A parcel of land belonging to, or supposed to belong to, Rose B. Darling, containing about twenty-one hundred and forty-seven square feet, being lot number two hundred and seventy-nine, as shown on said plan.

Lot 280. A parcel of land belonging to, or supposed to belong to, Walter Hammond, Elizabeth Turner, Tr., containing about twenty-three hundred and nineteen square feet, being lot number two hundred and eighty, as shown on said plan.

Lot 281. A parcel of land belonging to, or supposed to belong to, Mae L. Wheeler, containing about twenty-four hundred and seventy-eight square feet, being lot number two hundred and eighty-one, as shown on said plan.

Lot 282. A parcel of land belonging to, or supposed to belong to, Maria Porcello, containing about twenty-six hundred and twenty-four square feet, being lot number two hundred and eighty-two, as shown on said plan.

Lot 283. A parcel of land belonging to, or supposed to belong to, John T. Ryan, containing about twenty-seven hundred and fifty-six square feet, being lot number two hundred and eighty-three, as shown on said plan.

Lot 284. A parcel of land belonging to, or supposed to belong to, John T. Ryan, containing about twenty-eight hundred and seventy-seven square feet, being lot number two hundred and eighty-four, as shown on said plan.

Lot 285. A parcel of land belonging to, or supposed to belong to, Anna Turner, containing about twenty-seven hundred square feet, being lot number two hundred and eighty-five, as shown on said plan.

Lot 286. A parcel of land belonging to, or supposed to belong to, John Howland, containing about thirty-six hundred square feet, being lot number two hundred and eighty-six, as shown on said plan.

Lot 287. A parcel of land belonging to, or supposed to belong to, John Howland, containing about thirty-one hundred and fifty square feet, being lot number two hundred and eighty-seven, as shown on said plan.

Lot 288. A parcel of land belonging to, or supposed to belong to, James Lehan, containing about forty hundred and fifty square feet, being lot number two hundred and eighty-eight, as shown on said plan.

Lot 289. A parcel of land belonging to, or supposed to belong to, Sarah McCarthy, containing about forty-nine

hundred and fifty square feet, being lot number two hundred and eighty-nine, as shown on said plan.

Lot 290. A parcel of land belonging to, or supposed to belong to, Lillian H. Lyman, containing about thirty-six hundred square feet, being lot number two hundred and ninety, as shown on said plan.

Lot 291. A parcel of land belonging to, or supposed to belong to, Charles Glancy, containing about thirty-six hundred square feet, being lot number two hundred and ninety-one, as shown on said plan.

Lot 292. A parcel of land belonging to, or supposed to belong to, Thomas Hardy, containing about thirty-six hundred square feet, being lot number two hundred and ninety-two, as shown on said plan.

Lot 293. A parcel of land belonging to, or supposed to belong to, Richard Lamb, containing about twenty-seven hundred and forty-five square feet, being lot number two hundred and ninety-three, as shown on said plan.

Lot 294. A parcel of land belonging to, or supposed to belong to, Viola Holbrook, containing about forty-one hundred and sixty-six square feet, being lot number two hundred and ninety-four, as shown on said plan.

Lot 295. A private way, known as Second Road, being lot number two hundred and ninety-five, as shown on said plan.

Lot 296. A parcel of land belonging to, or supposed to belong to, Plymouth Co-operative Bank, containing about twenty-seven hundred square feet, being lot number two hundred and ninety-six, as shown on said plan.

Lot 297. A parcel of land belonging to, or supposed to belong to, C. Hurtado, containing about thirteen hundred and fifty square feet, being lot number two hundred and ninety-seven, as shown on said plan.

Lot 298. A parcel of land belonging to, or supposed to belong to, E. G. Atwood, containing about thirteen hundred and fifty square feet, being lot number two hundred and ninety-eight, as shown on said plan.

Lot 299. A parcel of land belonging to, or supposed to belong to, Joseph F. Slamin et ux., containing about thirteen hundred and fifty square feet, being lot number two hundred and ninety-nine, as shown on said plan.

Lot 300. A parcel of land belonging to, or supposed to belong to, Ethel G. Atwood, containing about fourteen hundred and forty square feet, being lot number three hundred, as shown on said plan.

Lot 301. A parcel of land belonging to, or supposed to belong to, Thomas Murname, containing about twenty-four hundred and sixty-three square feet, being lot number three hundred and one, as shown on said plan.

Lot 302. A parcel of land belonging to, or supposed to belong to, Thomas Murname, containing about four hundred and thirty-five square feet, being lot number three hundred and two, as shown on said plan.

Lot 303. A parcel of land belonging to, or supposed to belong to, Wallace Cassaboom, containing about twenty-three hundred and thirty-nine square feet, being lot number three hundred and three, as shown on said plan.

Lot 304. A parcel of land belonging to, or supposed to belong to, Henry McNealey, containing about twenty-eight hundred and eighty-two square feet, being lot number three hundred and four, as shown on said plan.

Lot 305. A parcel of land belonging to, or supposed to belong to, John Cormican, containing about twenty-eight hundred and sixty-two square feet, being lot number three hundred and five, as shown on said plan.

Lot 306. A parcel of land belonging to, or supposed to belong to, Eliza Harding, containing about forty-three hundred and sixty square feet, being lot number three hundred and six, as shown on said plan.

Lot 307. A parcel of land belonging to, or supposed to belong to, Ralph B. Packard, containing about forty-one hundred and twenty-five square feet, being lot number three hundred and seven, as shown on said plan.

Lot 308. A parcel of land belonging to, or supposed to belong to, Dennis McCarthy, containing about fifty-one hundred and seventy square feet, being lot number three hundred and eight, as shown on said plan.

Lot 309. A parcel of land belonging to, or supposed to belong to, Elmer Stetson, containing about five thousand and forty square feet, being lot number three hundred and nine, as shown on said plan.

Lot 310. A parcel of land belonging to, or supposed to belong to, J. E. Newcomb, containing about three thousand square feet, being lot number three hundred and ten, as shown on said plan.

Lot 311. A parcel of land belonging to, or supposed to belong to, Frank M. Howe, containing about four thousand and twenty-five square feet, being lot number three hundred and eleven, as shown on said plan.

Lot 312. A parcel of land belonging to, or supposed to belong to, Emma Whitmarsh et al., containing about sixty-four hundred square feet, being lot number three hundred and twelve, as shown on said plan.

Lot 313. A parcel of land belonging to, or supposed to belong to, Benjamin F. Churchill, containing about forty-three hundred and eighty square feet, being lot number three hundred and thirteen, as shown on said plan.

Lot 314. A parcel of land belonging to, or supposed to belong to, Henry S. Keith, containing about forty-eight hundred and twenty-five square feet, being lot number three hundred and fourteen, as shown on said plan.

Lot 315. A parcel of land belonging to, or supposed to belong to, Roland Darling, containing about forty-eight hundred and twenty-five square feet, being lot number three hundred and fifteen, as shown on said plan.

Lot 316. A parcel of land belonging to, or supposed to belong to, Roland Darling, containing about thirty-nine hundred and two square feet, being lot number three hundred and sixteen, as shown on said plan.

Lot 317. A parcel of land belonging to, or supposed to belong to, Roland Darling, containing about four thousand square feet, being lot number three hundred and seventeen, as shown on said plan.

Lot 318. A parcel of land belonging to, or supposed to belong to, Alice Dennison, containing about eight hundred square feet, being lot number three hundred and eighteen, as shown on said plan.

Lot 319. A parcel of land belonging to, or supposed to belong to, Claire Dennison, containing about twelve hundred and forty square feet, being lot number three hundred and nineteen, as shown on said plan.

Lot 320. A parcel of land belonging to, or supposed to belong to, Alfonse E. Duquette, containing about twenty-one hundred square feet, being lot number three hundred and twenty, as shown on said plan.

Lot 321. A parcel of land belonging to, or supposed to belong to, Katherine M. Millet, containing about four thousand square feet, being lot number three hundred and twenty-one, as shown on said plan.

Lot 322. A parcel of land belonging to, or supposed to belong to, Frederick L. Howard, containing about four thousand square feet, being lot number three hundred and twenty-two, as shown on said plan.

Lot 323. A parcel of land belonging to, or supposed to belong to, Florence E. Burnett, containing about four thousand square feet, being lot number three hundred and twenty-three, as shown on said plan.

Lot 324. A parcel of land belonging to, or supposed to belong to, Walter E. Johnson, containing about fifty-nine hundred and twenty square feet, being lot number three hundred and twenty-four, as shown on said plan.

Lot 325. A parcel of land belonging to, or supposed to belong to, Burton Faxon, containing about thirty-two hundred and seventy-seven square feet, being lot number three hundred and twenty-five, as shown on said plan.

Lot 326. A parcel of land belonging to, or supposed to belong to, Burton Faxon, containing about twenty-nine hundred and seventy-six square feet, being lot number three hundred and twenty-six, as shown on said plan.

Lot 327. A parcel of land belonging to, or supposed to belong to, Burton Faxon, containing about twenty-eight hundred and sixteen square feet, being lot number three hundred and twenty-seven, as shown on said plan.

Lot 328. A parcel of land belonging to, or supposed to belong to, Carlton E. Staples, containing about twenty-five hundred and forty square feet, being lot number three hundred and twenty-eight, as shown on said plan.

Lot 329. A parcel of land belonging to, or supposed to

belong to, Martin E. Reynolds, containing about twenty-four hundred and eighty square feet, being lot number three hundred and twenty-nine, as shown on said plan.

Lot 330. A parcel of land belonging to, or supposed to belong to, Whitman Co-operative Bank, containing about twenty-four hundred square feet, being lot number three hundred and thirty, as shown on said plan.

Lot 331. A parcel of land belonging to, or supposed to belong to, W. V. Everson estate, containing about twenty-four hundred and sixty square feet, being lot number three hundred and thirty-one, as shown on said plan.

Lot 332. A parcel of land belonging to, or supposed to belong to, Whitman Co-operative Bank, containing about twenty-five hundred and fifty square feet, being lot number three hundred and thirty-two, as shown on said plan.

Lot 333. A parcel of land belonging to, or supposed to belong to, Whitman Co-operative Bank, containing about twenty-six hundred and forty square feet, being lot number three hundred and thirty-three, as shown on said plan.

Lot 334. A parcel of land belonging to, or supposed to belong to, Electa Lamb, containing about twenty-six hundred and seventy square feet, being lot number three hundred and thirty-four, as shown on said plan.

Lot 335. A parcel of land belonging to, or supposed to belong to, Inez Lovell, containing about twenty-seven hundred and two square feet, being lot number three hundred and thirty-five, as shown on said plan.

Lot 336. A parcel of land belonging to, or supposed to belong to, Courtney B. Howard, containing about forty hundred and fifty square feet, being lot number three hundred and thirty-six, as shown on said plan.

Lot 337. A parcel of land belonging to, or supposed to belong to, Hattie M. Alger, containing about twenty-six hundred and forty square feet, being lot number three hundred and thirty-seven, as shown on said plan.

Lot 338. A parcel of land belonging to, or supposed to belong to, Sabatina Asci, containing about thirty-nine hundred and fifteen square feet, being lot number three hundred and thirty-eight, as shown on said plan.

Lot 339. A parcel of land belonging to, or supposed to belong to, August H. and Emma Menslage, containing about thirty-eight hundred and seventy square feet, being lot number three hundred and thirty-nine, as shown on said plan.

Lot 340. A parcel of land belonging to, or supposed to belong to, Florence L. and Charles S. Nichols, containing about twelve hundred and seventy-five square feet, being lot number three hundred and forty, as shown on said plan.

Lot 341. A parcel of land belonging to, or supposed to belong to, town of Marshfield, containing about twenty-five hundred and fifty square feet, being lot number three hundred and forty-one, as shown on said plan.

Lot 342. A parcel of land belonging to, or supposed to belong to, town of Marshfield, containing about twenty-four

hundred and seventy-five square feet, being lot number three hundred and forty-two, as shown on said plan.

Lot 343. So much of a public way known as Foster avenue as lies between South Abington avenue and Beach avenue, being lot number three hundred and forty-three, as shown on said plan.

Lot 344. So much of a public way known as Foster avenue as lies between Beach avenue and Third road, being lot number three hundred and forty-four, as shown on said plan.

In taking lots numbers one hundred and ninety-nine, two hundred, two hundred and two, two hundred and three, two hundred and five, two hundred and six, two hundred and nine, two hundred and thirteen, two hundred and fourteen, two hundred and eighteen, three hundred and six to three hundred and seventeen, inclusive, three hundred and nineteen to three hundred and twenty-four, inclusive, three hundred and sixty-one and three hundred and twenty-five to three hundred and forty-two, inclusive, any and all lands belonging or supposed to belong to the owners of said lots or their predecessors in title to said lots, lying between any of said lots and Massachusetts Bay, to the limit of private ownership, and all littoral rights, including the right of access to the waters of said bay, appurtenant to such lots or to such lands, may also be taken, such lots and lands together being no more in extent than is sufficient for suitable building lots on the shore side of Foster avenue, as proposed to be laid out, widened and relocated.

After so much of the above described land and property as is needed for the construction, widening and improvement of said streets and ways and their junctions with each other and connecting ways has been appropriated therefor, the selectmen of the town of Marshfield, in the name and on behalf of the town, may convey the remainder thereof for value, with or without suitable restrictions.

When land acquired under authority of this section is subdivided into lots for purposes of sale, said lots shall be as superimposed in red on the plan hereinbefore referred to; except that there may be sold as part of each lot on the shore side of Foster avenue so much of the land lying between such lot and Massachusetts Bay as may lawfully be included, with the littoral rights appurtenant thereto. The person from whom was acquired not less than sixty per cent of such a lot, if the land therein so acquired was the whole or part of a parcel belonging to him upon which a building was situated on January first, nineteen hundred and forty, shall have the right to purchase said lot within three months from the date on which said town acquired title thereto, for the price paid therefor by said town, and upon receipt of said amount the selectmen shall convey said lot to said former owner.

SECTION 3. For the purposes of this act, the town of Marshfield may borrow from time to time, within a period of

three years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred and sixty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words Marshfield Highway and Street Loan, Act of 1941. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than ten years from their dates. Not more than eighty thousand dollars of the indebtedness incurred under this act shall be in excess of the limit of that indebtedness imposed by section ten of chapter forty-four of the General Laws, as most recently amended by section one of chapter twenty-four of the acts of nineteen hundred and thirty-nine, and not more than eighty thousand dollars thereof shall be within said limit. No such indebtedness shall be incurred in excess of said limit until the entire amount hereby authorized within said limit has first been incurred. All other provisions of said chapter forty-four, as heretofore amended, including section sixty-three thereof, shall apply to said loan and to the payment thereof and to the proceeds of any sales of real estate made under this act.

SECTION 4. This act shall take effect upon its acceptance during the current year by the qualified voters of the town of Marshfield voting thereon in town meeting.

Approved August 4, 1941.

AN ACT RELATIVE TO THE SUPERVISION OF CERTAIN INFANTS *Chap. 629*
IN BOARDING HOUSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and nineteen of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 1.* Whoever for hire, gain or reward has in his custody or control at one time two or more infants, not related to him by blood or marriage, who are under fourteen years of age and unattended by a parent or guardian, for the purpose of providing them with care, food and lodging, except such of said infants as are two years of age or over but under fourteen years of age and have been placed in his custody or control by the department of public welfare of the commonwealth, in this chapter called the department, by any board of public welfare, by the institutions department of Boston or by any charitable corporation organized under the laws of the commonwealth, shall be deemed to maintain a boarding house for infants. This section shall not apply to a private school furnishing board and lodging to pupils and approved as provided in section one of chapter seventy-six, or to camps conducted for children during the summer months.

G. L. (Ter.
Ed.), 119,
§ 1, amended.

Boarding house
for infants
defined.

Limitation
of section.

SECTION 2. Said chapter one hundred and nineteen is hereby further amended by striking out section two, as so appearing, and inserting in place thereof the following sec-

G. L. (Ter.
Ed.), 119,
§ 2, amended.

Licensing
of boarding
houses for
infants.

Inspection
and super-
vision, etc.

tion:— *Section 2.* The department may grant licenses to maintain boarding houses for infants. Every application therefor shall first be approved by the board of health of the town where such boarding house is to be maintained. The term of each such license shall be one year and the fee therefor shall be five dollars, except that no fee shall be required of any such boarding house all the infants in which have been placed therein by the department, by any board of public welfare, by the institutions department of Boston or by any charitable corporation organized under the laws of the commonwealth, or by any combination of such departments, boards or corporations. Each such license shall state the name of the licensee, the particular premises where the business may be carried on, the maximum number of infants which may be boarded there at one time, and, if required by the department, it shall be posted in a conspicuous place on the licensed premises. No greater number of infants than is authorized by the license shall be boarded at one time on the premises, and no infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the department, which shall forthwith give notice of the granting of each such license and of its terms to the board of health of the town where the licensee resides. The department and boards of health shall annually, and may, at any time, visit and inspect premises so licensed or designate a person therefor.

G. L. (Ter.
Ed.), 119,
§ 6, amended.

Notice to
department of
receiving infant
for care.

SECTION 3. Said chapter one hundred and nineteen is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following section:— *Section 6.* Whoever receives under his care or control, and whoever places under the care or control of another for compensation, an infant under fourteen years of age, not related by blood or marriage to the person receiving it, shall, within two days thereafter, give notice thereof, and of the terms upon which such infant was received, to the department, with the name, age and residence of the infant, its parents, and the persons from whom and by whom received; but if such an infant under two years of age was received from the board of public welfare of any town, or from the institutions department of Boston, or from any charitable corporation organized under the laws of the commonwealth, such notice may state only the name and age of such infant and the name and location of the board, department or corporation from which received.

G. L. (Ter.
Ed.), 119,
§ 9, amended.

Placing of
infant under
care of another
for pay deemed
abandon-
ment.

Penalty.

SECTION 4. Section nine of said chapter one hundred and nineteen, as so appearing, is hereby amended by striking out, in the first line, the word "two" and inserting in place thereof the word:— fourteen,— so as to read as follows:— *Section 9.* Whoever gives to any person an infant under fourteen years of age for the purpose of placing it for hire, gain or reward under the permanent control of another person shall be guilty of the abandonment of such infant, and shall, if a man, be punished by imprisonment in the house

of correction, and if a woman, in the reformatory for women, for not more than two years.

SECTION 5. Section ten of said chapter one hundred and nineteen, as so appearing, is hereby amended by striking out, in the second line, the word "two" and inserting in place thereof the word:—fourteen,—so as to read as follows:—*Section 10.* Whoever for hire, gain or reward receives an infant under fourteen years of age for the purpose of placing it under the control of any other person shall be guilty of aiding and abetting the abandonment of such infant and shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than two years.

G. L. (Ter. Ed.), 119, § 10, amended.

Same subject.

Aiding or abetting.

Penalty.

SECTION 6. Said chapter one hundred and nineteen is hereby further amended by striking out section fourteen, as so appearing, and inserting in place thereof the following section:—*Section 14.* Whoever receives and whoever places an infant under fourteen years of age for adoption or for giving it a home, or for procuring a home or adoption for it, except infants over two years of age received from the board of public welfare of any town, or from the institutions department of Boston, or from any charitable corporation organized under the laws of the commonwealth shall give written notice to the department of the receiving or placing of such infant, with its name, age and birthplace, and the name and residence of its parents, and upon request of the department shall give information and render reports required by it concerning such infant, and within two days after its discharge shall give written notice to the department of the discharge and disposal of such infant. The department may investigate the case, and at any time prior to a decree of adoption take any such infant into its custody if in its judgment public interest and the protection of the infant so require.

G. L. (Ter. Ed.), 119, § 14, amended.

Adoption, etc., of certain infants regulated.

Powers of department.

SECTION 7. Section twenty-eight of said chapter one hundred and nineteen, as so appearing, is hereby amended by striking out, in the third line, the word "seven" and inserting in place thereof the word:—fourteen,—so as to read as follows:—*Section 28.* An agent of the department specially authorized thereto may enter without actual force any building or room when such agent has reason to believe that a child under fourteen is sheltered or maintained apart from his parents and is not receiving proper care. The agent shall investigate the case and may, if he considers such removal necessary for the protection of the child from neglect or abuse, cause such child, if he is not under the personal care of a parent or guardian, to be removed to the custody of the department. An agent who is refused such entry or who is hindered in the removal of such child may make complaint, on oath, to a justice of a court, who may thereupon issue a warrant authorizing him to obtain sufficient aid and at any reasonable time to enter the building designated, and every part thereof, to investigate the treat-

G. L. (Ter. Ed.), 119, § 28, amended.

Powers and duties of agents of department as to infants under fourteen.

ment and condition of the children found there, and to remove such children as herein provided.

G. L. (Ter.
Ed.), 119,
§ 29, amended.

Powers and
duties of
department
as to such
infants.

SECTION 8. Section twenty-nine of said chapter one hundred and nineteen, as so appearing, is hereby amended by striking out, in the fifteenth line, the word "seven" and inserting in place thereof the word:—fourteen,— and by striking out, in the eleventh and twelfth lines, the words "the preceding section" and inserting in place thereof the words:—section twenty-eight,— so as to read as follows:—*Section 29.* The agent shall forthwith notify the department of his doings, and it shall thereupon decide whether to retain such child in its custody or to restore him to his parent or guardian or to the place from which he was removed. As to a child so retained, it shall have the powers and duties which it has as to neglected children committed to its custody by the courts. But the department, unless within a reasonable time it secures the commitment of such child, under the provisions of sections forty-two to forty-seven, inclusive, shall, upon request, discharge such child to his legal guardian, or if he has no guardian to his father, or if he has no father to his mother. The department may notify the person from whose care or custody a child has been taken under section twenty-eight that no child of which he is not the legal guardian shall, without a permit from the department, be received or maintained by him. The department shall apply to the probate court for the removal of the guardian of any child under fourteen years of age who is unsuitable for his trust.

Approved August 4, 1941.

Chap. 630 AN ACT TO MAKE RECORDS RELATING TO OLD AGE ASSISTANCE, AID TO DEPENDENT CHILDREN AND AID TO THE BLIND CONFIDENTIAL, TO PROHIBIT THE MISUSE OF SUCH RECORDS, TO CREATE A PENALTY FOR SUCH MISUSE AND TO PROVIDE THAT THE LAWS CONCERNING THE CONFIDENTIAL NATURE OF SUCH RECORDS MAY BE EXTENDED TO APPLY TO RECORDS RELATING TO GENERAL PUBLIC ASSISTANCE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 66,
new § 17A,
inserted.

Inspection of
certain records
restricted.

SECTION 1. Chapter sixty-six of the General Laws is hereby amended by inserting after section seventeen, as appearing in the Tercentenary Edition, the following new section:—*Section 17A.* The records of the department of public welfare and of the several city and town welfare departments and bureaus of old age assistance relative to old age assistance and to aid to dependent children, and the records of the department of education relative to aid to the blind, shall be public records; provided, that they shall be open to inspection only by public officials of the commonwealth, which term for the purposes of this section shall include members of the general court, for purposes directly

connected with the administration of such public assistance.

SECTION 2. Chapter sixty-nine of the General Laws is hereby amended by inserting after section twenty-six, as amended, the following new section: — *Section 26A.* The department shall have power to establish and to enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department concerning blind persons. No other department, bureau or agency of the commonwealth or of any political subdivision thereof, which, under any provision of law, is furnished with the names of recipients of aid to the blind, shall permit the publication of lists of such names or make use thereof for purposes not directly connected with the administration of aid to the blind.

G. L. (Ter. Ed.), 69, new § 26A, inserted.

Records concerning blind persons.

Use of, etc.

SECTION 3. Chapter one hundred and twenty-one of the General Laws is hereby amended by inserting after section four, as appearing in the Tercentenary Edition, the following new section: — *Section 4A.* The department shall have power to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department and of city and town welfare departments and bureaus of old age assistance, relating to old age assistance and aid to dependent children. No other department, bureau or agency of the commonwealth or of any political subdivision thereof, which, under any provision of law, is furnished with the names of recipients of old age assistance or aid to dependent children, shall permit the publication of lists of such names or make use thereof for purposes not directly connected with the administration of such assistance or aid.

G. L. (Ter. Ed.), 121, new § 4A, inserted.

Old age assistance records.

Use of, etc.

SECTION 4. Chapter two hundred and seventy-one of the General Laws is hereby amended by adding at the end the following new section: — *Section 43.* Any person who, except for purposes directly connected with the administration of general public assistance, old age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the department of public welfare made under authority of section four A of chapter one hundred and twenty-one, or of the department of education made under authority of section twenty-six A of chapter sixty-nine, as the case may be, shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of, or names of, or any information concerning, persons applying for or receiving old age assistance, aid to dependent children or aid to the blind, directly or indirectly derived from the records, papers, files or communications of the department of public welfare, any city or town welfare department or bureau of old age assistance, or the department of education, as the case may be, or acquired in the course of the performance of official duties, shall be punished by a fine of not more than one hundred dollars.

G. L. (Ter. Ed.), 271, new § 43, added.

Illegal use of certain records.

Penalty.

Approved August 21, 1941.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
BOSTON, August 21, 1941.

Honorable FREDERIC W. COOK, *Secretary of the Commonwealth,
State House, Boston, Massachusetts.*

SIR: — I, Leverett Saltonstall, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the Constitution, "The Referendum II, Emergency Measures", do declare that in my opinion, the immediate preservation of the public peace, health, safety, and convenience requires that the law passed on the twenty-first day of August in the year nineteen hundred and forty-one, entitled, "An Act to make records relating to old age assistance, aid to dependent children and aid to the blind confidential, to prohibit the misuse of such records, to create a penalty for such misuse and to provide that the laws concerning the confidential nature of such records may be extended to apply to records relating to general public assistance" should take effect forthwith, that it is an emergency law and that the facts constituting the emergency are as follows:

For the reason that otherwise this law would not take effect until ninety days from its passage and would, therefore, cause undue hardship as there are substantial contributions by the Federal Government that are being withheld until this Act becomes law in Massachusetts.

Very respectfully yours,

LEVERETT SALTONSTALL,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 21, 1941.

I hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and thirty of the acts of nineteen hundred and forty-one.

PAUL D. HOWARD,
Deputy Secretary of the Commonwealth.

Chap. 631 AN ACT FURTHER EXTENDING THE TERM OF OFFICE OF THE MILK CONTROL BOARD.

Emergency
preamble.

Whereas, Under existing provisions of law the existence of the milk control board will terminate on August thirty-first, nineteen hundred and forty-one, but it is necessary that the provisions of this act take effect on or before said August thirty-first, so that the existence of said board may be continued for a further period of three months without interruption; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as most recently amended by section one of chapter four hundred and eighteen of the acts of nineteen hundred and forty-one, is hereby further amended by striking out, in the third line, the words "August thirty-first" and inserting in place thereof the words:— November thirtieth, — so as to read as follows:— *Section 22.* The board shall continue with all the duties and responsibilities prescribed and imposed by this act until November thirtieth, nineteen hundred and forty-one. On and after the date when this act ceases to be operative any and all obligations which shall have arisen prior to such date or which may arise thereafter in connection therewith, and any violations which shall have occurred prior to such date, shall be deemed not to be affected, terminated or waived by reason of the fact that this act has ceased to be operative.

SECTION 2. The milk control board may continue expenditures in each of the months of September, October and November in the current year at the monthly rate authorized by appropriations made for the current fiscal year by items 0906-01 and 0906-02 of the general appropriation act of the current year, until the general court makes an appropriation for expenditures by said board during said months of September, October and November.

Approved August 29, 1941.

AN ACT AUTHORIZING THE UNITED STATES OF AMERICA TO
BUILD A BRIDGE WITHOUT A DRAW IN AND OVER THE TIDE
WATERS OF HINGHAM BAY FROM HOG ISLAND TO THE MAIN-
LAND IN THE TOWN OF HULL. *Chap. 632*

Whereas, The deferred operation of this act would tend to defeat its purpose which is to grant the consent of the commonwealth to the construction of a bridge without a draw, as a part of a project for national defense, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety. Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The United States of America is hereby authorized to construct and maintain a bridge without a draw in and over the tide waters of Hingham bay from Hog island to the mainland in the town of Hull, subject to chapter ninety-one of the General Laws, upon the condition that the federal government provides an adequate channel from the pier at Windemere to the waters of Hingham bay easterly of said island in the town of Hull.

SECTION 2. Jurisdiction over said bridge is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in

and over the bridge so acquired, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed elsewhere than on said bridge and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this consent and cession had not been granted; and exclusive jurisdiction over any such bridge or any part thereof shall revert in the commonwealth whenever it shall cease to be used by the United States for the purposes specified in section one.

Approved October 8, 1941.

Chap.633 AN ACT FURTHER ESTABLISHING THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES.

Emergency
preamble.

Whereas, It is essential in some instances respecting the determination of the municipal tax rates and in other instances in respect to highway and other work that any new basis of apportionment of the state and county taxes be fixed promptly and the deferred operation of this act would cause great inconvenience in respect to tax rates and highway construction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty-one of the acts of the current year is hereby amended by striking out all after the words "to wit:" in the tenth line and inserting in place thereof the following:—

POLLS, PROPERTY AND APPORTIONMENT OF STATE AND COUNTY TAX.

BARNSTABLE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	2,930	\$27,731,746	\$3 90
Bourne	1,186	9,968,613	1 42
Brewster	260	2,400,307	34
Chatham	768	7,356,587	1 03
Dennis	710	4,899,999	71
Eastham	215	1,500,159	22
Falmouth	2,288	23,511,710	3 29
Harwich	898	7,525,867	1 07
Mashpee	152	930,845	14
Orleans	537	4,300,523	61

BARNSTABLE COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Provincetown	1,345	\$5,050,139	\$0 79
Sandwich	521	2,850,762	42
Truro	206	1,859,961	26
Wellfleet	286	2,302,284	33
Yarmouth	793	6,609,296	94
Totals	13,095	\$108,798,798	\$15 47

BERKSHIRE COUNTY.

Adams	4,526	\$10,353,282	\$1 80
Alford	76	341,637	05
Becket	254	753,827	12
Cheshire	551	1,203,046	21
Clarksburg	494	818,453	16
Dalton	1,374	7,537,630	1 12
Egremont	171	1,109,026	16
Florida	140	1,601,970	22
Great Barrington	2,144	9,323,827	1 43
Hancock	141	451,747	07
Hinsdale	420	999,409	17
Lanesborough	461	1,448,597	23
Lee	1,434	5,519,705	86
Lenox	995	5,864,087	86
Monterey	113	905,778	13
Mount Washington	18	225,000	03
New Ashford	31	131,300	02
New Marlborough	335	1,327,554	21
North Adams	7,218	22,009,172	3 58
Otis	147	714,531	11
Peru	47	250,500	04
Pittsfield	16,624	65,164,723	10 15
Richmond	199	811,001	13
Sandisfield	186	736,199	11
Savoy	116	200,000	04
Sheffield	635	1,606,435	27
Stockbridge	658	4,632,283	67
Tyringham	81	505,619	07
Washington	82	222,599	04
West Stockbridge	378	1,410,828	22
Williamstown	1,525	7,569,804	1 14
Windsor	127	506,312	08
Totals	41,701	\$156,255,881	\$24 50

BRISTOL COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Acushnet	1,336	\$3,494,520	\$0 59
Attleboro	7,483	27,289,726	4 30
Berkley	370	1,009,117	1 17
Dartmouth	3,070	11,982,928	1 87
Dighton	907	3,565,579	55
Easton	1,923	5,297,859	88
Fairhaven	3,500	11,887,571	1 90
Fall River	36,071	111,605,228	18 12
Freetown	554	1,520,660	25
Mansfield	2,262	7,999,210	1 27
New Bedford	35,976	118,592,417	19 04
North Attleborough	3,631	10,973,303	1 79
Norton	1,065	2,193,533	39
Raynham	733	1,777,933	30
Rehoboth	1,011	2,833,923	47
Seekonk	1,568	5,818,409	91
Somerset	1,949	13,255,364	1 92
Swansea	1,616	4,469,235	74
Taunton	11,756	36,744,726	5 96
Westport	1,412	5,563,345	86
Totals	118,193	\$387,874,586	\$62 28

COUNTY OF DUKES COUNTY.

Chilmark	84	\$750,012	\$0 11
Edgartown	487	5,009,296	70
Gay Head	46	170,000	03
Gosnold	47	1,300,000	17
Oak Bluffs	540	5,001,862	70
Tisbury	541	6,084,971	85
West Tisbury	84	820,041	12
Totals	1,829	\$19,136,182	\$2 68

ESSEX COUNTY.

Amesbury	3,609	\$9,540,327	\$1 60
Andover	3,670	18,869,897	2 82
Beverly	7,688	41,301,949	6 14
Boxford	291	1,201,457	19
Danvers	3,687	14,187,012	2 21
Essex	557	1,420,746	24
Georgetown	751	1,800,827	31
Gloucester	8,212	39,739,139	5 99
Groveland	729	1,402,082	26
Hamilton	691	5,808,344	82
Haverhill	15,821	51,074,572	8 23

ESSEX COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Ipswich	2,074	\$7,049,345	\$1 12
Lawrence	28,338	99,521,119	15 78
Lynn	30,455	142,390,933	21 55
Lynnfield	855	4,745,760	70
Manchester	875	11,537,071	1 59
Marblehead	3,769	22,688,246	3 33
Merrimac	831	1,658,066	30
Methuen	7,204	21,012,605	3 45
Middleton	541	2,205,846	34
Nahant	708	6,061,675	86
Newbury	563	2,413,309	37
Newburyport	4,673	12,579,737	2 10
North Andover	2,654	8,390,377	1 36
Peabody	7,554	23,720,533	3 84
Rockport	1,336	6,090,535	93
Rowley	524	1,500,095	25
Salem	13,013	59,656,039	9 06
Salisbury	971	3,048,821	49
Saugus	4,966	16,269,296	2 61
Swampscott	3,606	25,239,157	3 64
Topsfield	345	3,306,444	46
Wenham	459	4,006,175	57
West Newbury	473	1,504,667	24
Totals	162,493	\$672,942,203	\$103 75

FRANKLIN COUNTY.

Ashfield	321	\$1,313,109	\$0 20
Bernardston	305	1,004,742	16
Buckland	524	3,073,596	45
Charlemont	229	1,006,096	15
Colrain	519	1,663,200	27
Conway	295	1,106,305	17
Deerfield	999	4,389,258	67
Erving	452	2,370,149	35
Gill	358	1,004,894	17
Greenfield	5,305	32,021,746	4 70
Hawley	96	250,676	04
Heath	102	400,000	06
Leverett	200	514,052	09
Leyden	96	326,095	05
Monroe	87	1,135,849	16
Montague	2,582	10,577,743	1 63
New Salem	140	350,044	06
Northfield	628	2,027,305	33
Orange	1,898	4,999,999	84
Rowe	82	764,246	11
Shelburne	526	3,535,558	51
Shutesbury	83	400,086	06
Sunderland	355	1,303,679	21

FRANKLIN COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Warwick	148	\$350,077	\$0 06
Wendell	133	310,623	05
Whately	372	1,353,192	21
Totals	16,835	\$77,552,319	\$11 76

HAMPDEN COUNTY.

Agawam	2,529	\$9,464,736	\$1 48
Blandford	193	900,000	14
Brimfield	367	1,008,698	17
Chester	471	1,390,833	23
Chicopee	13,403	40,532,371	6 61
East Longmeadow	1,204	4,517,286	71
Granville	251	2,025,032	29
Hampden	368	1,003,188	17
Holland	90	200,000	04
Holyoke	17,722	84,276,130	12 73
Longmeadow	1,764	18,063,128	2 53
Ludlow	2,500	8,096,060	1 30
Monson	1,319	3,278,308	56
Montgomery	58	300,000	05
Palmer	2,960	7,509,604	1 27
Russell	390	3,712,397	52
Southwick	567	2,232,267	34
Springfield	48,451	274,596,171	40 57
Tolland	50	456,998	06
Wales	148	312,873	06
West Springfield	5,576	26,775,167	4 04
Westfield	6,613	21,411,990	3 45
Wilbraham	1,101	3,147,078	52
Totals	108,095	\$515,210,315	\$77 84

HAMPSHIRE COUNTY.

Amherst	2,098	\$10,078,382	\$1 52
Belchertown	835	1,520,715	28
Chesterfield	153	604,065	09
Cummington	198	527,341	09
Easthampton	3,424	11,156,071	1 79
Goshen	93	402,077	06
Granby	380	955,449	16
Hadley	888	3,006,417	48
Hatfield	802	2,808,683	45
Huntington	483	1,121,810	19
Middlefield	89	328,960	05
Northampton	7,095	28,793,088	4 47

HAMPSHIRE COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Pelham	163	\$751,307	\$0 11
Plainfield	76	350,730	05
South Hadley	2,174	9,505,460	1 45
Southampton	353	1,008,180	17
Ware	2,584	6,397,433	1 09
Westhampton	122	401,412	06
Williamsburg	582	1,334,140	23
Worthington	191	801,794	12
Totals	22,783	\$81,853,514	\$12 91

MIDDLESEX COUNTY.

Acton	910	\$4,053,820	\$0 62
Arlington	12,567	62,291,083	9 36
Ashby	389	1,094,404	18
Ashland	936	2,748,305	45
Ayer	991	4,036,057	62
Bedford	748	2,671,393	42
Belmont	8,295	53,928,552	7 84
Billerica	2,423	9,387,404	1 46
Boxborough	136	390,000	06
Burlington	806	2,523,951	41
Cambridge	34,793	186,192,274	27 73
Carlisle	223	1,190,568	18
Chelmsford	2,657	8,024,478	1 31
Concord	2,293	12,662,863	1 88
Dracut	2,249	4,349,999	79
Dunstable	136	460,000	07
Everett	14,936	74,739,013	11 21
Framingham	7,217	36,658,254	5 49
Groton	936	4,797,975	72
Holliston	1,003	3,949,390	61
Hopkinton	922	3,559,896	56
Hudson	2,730	7,014,446	1 19
Lexington	3,631	25,151,469	3 63
Lincoln	635	4,012,412	59
Littleton	614	3,094,689	46
Lowell	29,326	98,695,325	15 77
Malden	18,730	75,392,344	11 68
Marlborough	5,110	16,560,498	2 67
Maynard	2,605	7,482,680	1 23
Medford	20,060	85,174,878	13 08
Melrose	8,191	40,499,163	6 09
Natick	4,647	21,435,770	3 25
Newton	22,061	172,938,145	24 70
North Reading	940	2,465,653	41
Pepperell	1,024	2,918,529	48
Reading	3,654	18,354,846	2 75
Sherborn	374	3,020,359	43
Shirley	754	2,413,605	39

MIDDLESEX COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Somerville	32,088	\$108,968,401	\$17 38
Stoneham	3,541	16,141,913	2 45
Stow	454	1,501,999	24
Sudbury	625	3,944,046	57
Tewksbury	1,119	4,849,999	74
Townsend	709	2,445,340	39
Tyngsborough . . .	483	1,501,366	24
Wakefield	5,315	22,224,041	3 42
Waltham	12,020	56,699,546	8 58
Watertown	10,731	55,852,348	8 34
Wayland	1,206	6,035,634	91
Westford	1,096	4,595,415	71
Weston	1,503	11,033,179	1 59
Wilmington	1,590	4,500,000	74
Winchester	4,441	35,215,980	5 02
Woburn	6,165	22,544,900	3 55
Totals	303,738	\$1,424,388,597	\$215 64

NANTUCKET COUNTY.

Nantucket	1,135	\$13,074,868	\$1 81
Totals	1,135	\$13,074,868	\$1 81

NORFOLK COUNTY.

Avon	701	\$2,035,430	\$0 34
Bellingham	1,079	2,561,434	44
Braintree	5,605	28,099,834	4 22
Brookline	15,956	156,679,693	21 97
Canton	2,081	9,414,591	1 43
Cohasset	1,125	10,578,029	1 49
Dedham	5,308	27,249,029	4 08
Dover	454	6,024,926	83
Foxborough	1,419	6,283,693	96
Franklin	2,300	9,384,424	1 45
Holbrook	1,031	3,650,191	58
Medfield	780	3,052,462	48
Medway	1,164	3,195,839	53
Millis	771	3,266,939	50
Milton	6,216	42,276,230	6 12
Needham	4,176	26,366,935	3 85
Norfolk	411	1,629,391	25
Norwood	5,232	27,750,526	4 13
Plainville	559	1,635,463	27
Quincy	24,561	134,338,237	19 93
Randolph	2,405	7,410,426	1 20
Sharon	1,258	6,461,237	97

NORFOLK COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Stoughton	2,942	\$9,531,021	\$1 53
Walpole	2,596	17,633,929	2 55
Wellesley	4,482	46,080,595	6 44
Westwood	1,177	7,538,322	1 10
Weymouth	7,768	53,053,332	7 68
Wrentham	896	3,950,331	60
Totals	104,453	\$657,132,489	\$95 92

PLYMOUTH COUNTY.

Abington	1,928	\$5,799,462	\$0 95
Bridgewater	2,153	6,810,364	1 10
Brockton	21,212	73,285,413	11 65
Carver	562	3,057,201	45
Duxbury	858	8,028,140	1 13
East Bridgewater	1,265	5,068,404	79
Halifax	314	1,571,288	23
Hanover	944	3,870,692	60
Hanson	905	2,725,503	44
Hingham	2,488	17,062,339	2 47
Hull	1,006	17,015,842	2 31
Kingston	994	4,685,687	71
Lakeville	547	1,501,367	25
Marion	686	5,560,810	79
Marshfield	902	8,528,681	1 20
Mattapoisett	557	3,735,387	54
Middleborough	3,125	9,665,433	1 57
Norwell	618	2,558,821	39
Pembroke	665	2,894,796	44
Plymouth	4,650	24,421,326	3 66
Plympton	189	809,624	12
Rochester	467	1,531,658	25
Rockland	2,705	8,857,168	1 42
Scituate	1,474	13,127,582	1 86
Wareham	2,464	14,805,477	2 17
West Bridgewater	1,104	3,353,940	55
Whitman	2,640	8,662,841	1 39
Totals	57,422	\$258,995,246	\$39 43

SUFFOLK COUNTY.

Boston	250,753	\$1,511,499,729	\$221 67
Chelsea	13,695	45,728,672	7 32
Revere	11,135	39,240,828	6 22
Winthrop	5,519	25,340,227	3 85
Totals	281,102	\$1,621,809,456	\$239 06

WORCESTER COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Ashburnham	867	\$1,878,889	\$0 33
Athol	3,904	12,982,899	2 08
Auburn	2,299	6,840,155	1 12
Barre	1,234	3,002,521	51
Berlin	348	1,221,935	19
Blackstone	1,449	2,173,956	43
Bolton	294	1,168,271	18
Boylston	402	1,000,000	17
Brookfield	469	1,459,281	24
Charlton	821	2,172,543	36
Clinton	4,123	11,833,902	1 95
Douglas	841	2,353,409	39
Dudley	1,445	3,755,617	63
East Brookfield	348	1,039,342	17
Fitchburg	13,747	52,925,443	8 26
Gardner	6,649	23,258,588	3 69
Grafton	2,098	4,799,999	83
Hardwick	801	1,682,937	30
Harvard	387	2,506,320	36
Holden	1,319	3,660,855	61
Hopedale	1,089	7,114,733	1 03
Hubbardston	376	700,198	13
Lancaster	932	3,006,708	48
Leicester	1,556	3,424,492	60
Leominster	7,360	25,972,870	4 11
Lunenburg	801	2,378,080	39
Mendon	464	1,523,273	24
Milford	5,374	15,865,519	2 60
Millbury	2,478	6,531,871	1 10
Millville	560	912,307	17
New Braintree	168	650,211	10
North Brookfield	1,108	2,797,829	47
Northborough	826	2,331,600	39
Northbridge	3,295	9,927,413	1 62
Oakham	158	450,140	07
Oxford	1,449	3,283,209	57
Paxton	308	1,100,000	17
Petersham	280	1,500,237	22
Phillipston	140	350,156	06
Princeton	279	1,350,000	20
Royalston	336	800,417	14
Rutland	575	1,430,479	24
Shrewsbury	2,628	10,059,350	1 57
Southborough	751	3,688,320	55
Southbridge	5,697	15,089,204	2 53
Spencer	2,330	4,999,999	88
Sterling	587	2,017,554	32
Sturbridge	763	2,077,403	35
Sutton	838	2,114,722	36
Templeton	1,452	3,354,690	58
Upton	754	1,598,512	28
Uxbridge	2,172	8,163,560	1 28
Warren	1,241	2,702,045	48
Webster	4,710	11,099,458	1 91

WORCESTER COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
West Boylston	745	\$2,800,686	\$0 44
West Brookfield	476	1,526,042	25
Westborough	1,478	4,569,999	74
Westminster	582	2,000,431	32
Winchendon	2,295	5,662,149	97
Worcester	62,205	299,769,524	45 24
Totals	165,461	\$618,412,252	\$96 95

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	13,095	\$108,798,798	\$15 47
Berkshire	41,701	156,255,881	24 50
Bristol	118,193	387,874,586	62 28
Dukes	1,829	19,136,182	2 68
Essex	162,493	672,942,203	103 75
Franklin	16,835	77,552,319	11 76
Hampden	108,095	515,210,315	77 84
Hampshire	22,783	81,853,514	12 91
Middlesex	303,738	1,424,388,597	215 64
Nantucket	1,135	13,074,868	1 81
Norfolk	104,453	657,132,489	95 92
Plymouth	57,422	258,995,246	39 43
Suffolk	281,102	1,621,809,456	239 06
Worcester	165,461	618,412,252	96 95
Totals	1,398,335	\$6,613,436,706	\$1,000 00

SECTION 2. This act shall take effect as of March twenty-seventh, nineteen hundred and forty-one.

Approved October 8, 1941.

Chap. 634 AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC WELFARE TO ACCEPT, FOR RELIEF PURPOSES, SURPLUS AGRICULTURAL COMMODITIES FROM THE SURPLUS MARKETING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, PROVIDING FOR THE DISTRIBUTION OF THE SAME THROUGH THE STAMP PLAN, AND PROVIDING FOR THE DISTRIBUTION OF OTHER COMMODITIES RECEIVED FROM THE UNITED STATES THROUGH SAID ADMINISTRATION.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of public welfare is hereby authorized to accept and distribute surplus agricultural commodities, donated to the commonwealth by the Surplus Marketing Administration of the United States Department of Agriculture for relief purposes, and to supervise, administer and provide means for the distribution of said surplus commodities and to cooperate with said Marketing Administration in the sale and distribution of milk to persons in low-income groups and to carry out the administration of the stamp plan and the distribution of said commodities in the cities and towns of the commonwealth in accordance with any regulation, requirement or contract now in existence or which may later be made by said Surplus Marketing Administration, and to enter into agreements and contracts with the Federal Government and cities and towns of the commonwealth for the purposes of this act, and in like manner to provide for the distribution of any other commodities received from the United States or through said Administration or any successor thereto. Any monies contributed by the cities and towns of the commonwealth for the maintenance of said activities shall be paid into the state treasury, maintained as an independent fund and disbursed only on authorization of the commissioner of public welfare or an employee of the department of public welfare designated by said commissioner for the purpose. The laws governing the employment, discharge and retirement of employees of the commonwealth and the operation of departments thereof, including chapter thirty-one of the General Laws, shall not apply to any person engaged in carrying out any provision of this act; provided, that the foregoing part of this sentence shall not apply to the commissioner of public welfare or any permanent employee designated by the commissioner for authorization of disbursements as aforesaid.

SECTION 2. No retail store, or owner, operator or employee thereof, or other person shall accept, or cause to be accepted, orange-colored food order stamps under the Federal Food Stamp Plan, or any other federal plan for the distribution of surplus agricultural commodities in effect in this commonwealth, in exchange for any merchandise or article except food, as defined by the commissioner of public welfare, or accept, or cause to be accepted, blue-colored

food order stamps under such plan in exchange for any merchandise or article not defined by said commissioner to be surplus foods; and no person, unless so authorized, shall buy or exchange for currency federal food order stamps. In adopting such definitions, the commissioner shall take into consideration the definitions adopted from time to time by the secretary of agriculture of the United States, and, in the absence of action by the commissioner, the definitions heretofore adopted by said secretary shall be in force in this commonwealth for the purposes of this section. Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than three hundred dollars, or by imprisonment for not less than one nor more than six months, or both.

Approved October 8, 1941.

AN ACT RESTRICTING THE ISSUANCE OF INSURANCE ADVISER'S Chap. 635
LICENSES TO INDIVIDUALS.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventy-seven B of chapter one hundred and seventy-five of the General Laws, inserted by section one of chapter three hundred and ninety-five of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 175, § 177B, etc., amended.

The commissioner may at any time require such information as he deems necessary in respect to the business methods, policies and transactions of a licensee under this section. Whoever fails or refuses to furnish the commissioner any such information within ten days after receiving a written request therefor, and in such form as he may require, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Penalty.

SECTION 2. Said section one hundred and seventy-seven B is hereby further amended by inserting at the end the following new paragraph: —

G. L. (Ter. Ed.), 175, § 177B, etc., further amended.

Sections one hundred and sixty A and one hundred and sixty B shall apply to an insurance adviser not duly licensed under this section.

Application of certain sections.

SECTION 3. Said chapter one hundred and seventy-five is hereby further amended by striking out section fourteen, as amended by section two of chapter three hundred and ninety-five of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 14.* He shall collect and pay to the commonwealth charges and fees as follows:

G. L. (Ter. Ed.), 175, § 14, etc., amended.

Collection of charges and fees.

For each examination prior to granting a license or a certificate of authority to issue policies of insurance or annuity or pure endowment contracts as provided in sections four and thirty-two, fifty dollars;

For the valuation of life policies of a domestic company as provided in section nine, two and one half mills for each thousand dollars of insurance;

For each certificate issued under section sixteen, two dollars; provided, that such certificate shall be issued without charge for the use of the commonwealth;

For each certificate under section thirty-two, two dollars;

For each special license under clause (g) of section fifty-one or of section fifty-four, ten dollars;

For each certificate issued by the commissioner under section seventy or seventy-one, two dollars;

For filing copy of charter or deed of settlement of each foreign company under section one hundred and fifty-one, thirty dollars;

For filing financial statement with the application for admission of a foreign company under section one hundred and fifty-one, and for the filing of each annual statement by a foreign company under section twenty-five, twenty dollars;

For each service of legal process upon him as attorney for a foreign company under section one hundred and fifty-one and section one hundred and fifty-four, two dollars; provided, that such fee shall not be required for the service of process in any criminal proceeding;

For each license or renewal thereof to an insurance agent of any company under section one hundred and sixty-three, two dollars;

For each license or renewal thereof to an insurance broker under section one hundred and sixty-six, twenty-five dollars;

For each license or renewal thereof to a special insurance broker under section one hundred and sixty-eight, twenty-five dollars;

For each license or renewal thereof to an adjuster of fire losses under section one hundred and seventy-two, ten dollars;

For each license or renewal thereof to an insurance adviser under section one hundred and seventy-seven B, twenty-five dollars;

For each license or renewal thereof to a voluntary association under section one hundred and seventy-two A, to a partnership under section one hundred and seventy-three or to a corporation under section one hundred and seventy-four, the fees hereinbefore prescribed for like licenses issued to individuals under section one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-eight or one hundred and seventy-two, for each trustee, partner or officer to be covered by the license; provided, that the fee to be collected for an insurance broker's license issued under section one hundred and seventy-three to a partnership composed entirely of residents of other states of the United States eligible therefor under section one hundred and sixty-six, and covering all the partners, shall be twenty-five dollars and that the aggregate fees to be collected for such a

license issued as aforesaid to any other partnership shall not exceed one hundred dollars;

For each certificate of the valuation of the policies of any life company and for each certificate of the examination, condition or qualification of a company, two dollars;

For each copy of any paper on file in the office of the commissioner, twenty cents a page and for copies of tabulations, forty cents a page and two dollars for certifying the same; and

All other fees and charges due the commonwealth for any official act or service of the commissioner.

Approved October 8, 1941.

AN ACT TO AUTHORIZE THE TOWN OF NEWBURY TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER. Chap. 636

Be it enacted, etc., as follows:

SECTION 1. The town of Newbury may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; and may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. For the purposes aforesaid, said town, acting by its board of water commissioners hereinafter provided for, may contract with any other municipality, acting by its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may lease, or take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources, by means of driven, artesian or other wells or filter galleries, within the limits of said town, not already appropriated for purposes of public water supply, and the water rights connected with any such water sources; and also for said purposes may take by eminent domain under said chapter seventy-nine or said chapter eighty A, or acquire by lease, purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department; and said town may acquire by lease, purchase or otherwise any appliances, works, tools, machinery and

other equipment that may be necessary or expedient in carrying out the provisions of this act. Said town may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of said department of public health, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along any such way, in said town in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed thereunder, shall be managed, leased, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town. The board of water commissioners may establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provisions of law.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter seventy-nine or said chapter eighty A; provided, that the right to damages for the taking of any water, water source or water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred

under this act, other than expenses of maintenance and operation, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, one hundred and fifteen thousand dollars, which shall bear on their face the words, Town of Newbury Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section five; and, when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for any of the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 8. The selectmen of said town shall serve as water commissioners until the election and qualification of water commissioners. Whenever the phrase "board of water commissioners" or "board" or "commissioners" occurs in this act it shall mean and include the board of water commissioners or the selectmen acting as such, as the case may be. Said town may, at an annual town meeting or at any special meeting held not less than thirty days prior to an annual town meeting, vote to elect at the next annual town meeting a board of three water commissioners; and if the town so votes it shall at such next annual town meeting elect by ballot three persons to hold office as members of said board for one, two and three years, respectively, from such meeting, and until their successors are qualified; and thereafter at each annual town meeting the town shall elect one such member to hold office for three years and until his successor is qualified. All the authority granted to the town by this act, except sections five and six, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum

for the transaction of business. After the election of a board of water commissioners under authority of this section, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said town or until another person is qualified.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of the receipts and expenditures.

SECTION 10. This act shall take full effect upon its acceptance by a majority of the voters of the town of Newbury present and voting thereon at a town meeting called for the purpose within four years after its passage, but not otherwise; but the number of meetings so called in any year shall not exceed three.

Approved October 8, 1941.

Chap. 637 AN ACT RELATIVE TO THE APPLICATION TO CIDER OF CERTAIN ALCOHOLIC CONTENT OF THE LAWS RELATING TO ALCOHOLIC BEVERAGES, AND RELATIVE TO THE IMPOSITION OF AN EXCISE ON SUCH CIDER.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, § 1, etc., amended.

SECTION 1. Section one of chapter one hundred and thirty-eight of the General Laws, as amended, is hereby further amended by striking out the definition of "Wines", as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following definition: —

Term "Wines" defined.

"Wines", all fermented alcoholic beverages made from fruits, flowers, herbs or vegetables and containing not more than twenty-four per cent of alcohol by volume at sixty degrees Fahrenheit, except cider containing not more than three per cent, or containing more than six per cent, of alcohol by weight at sixty degrees Fahrenheit.

G. L. (Ter. Ed.), 138, § 21, etc., amended.

SECTION 2. Section twenty-one of said chapter one hundred and thirty-eight, as amended, is hereby further amended

by striking out the third paragraph, as appearing in section one of chapter three hundred and sixty-seven of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the two following paragraphs: —

For each wine gallon, or fractional part thereof, of cider containing more than three per cent but not more than six per cent of alcohol by weight at sixty degrees Fahrenheit, at the rate of one and one half cents per wine gallon; Excise.

For each wine gallon, or fractional part thereof, of wine, other than cider containing more than three per cent but not more than six per cent of alcohol as aforesaid, including vermouth, at the rate of ten cents per wine gallon;

SECTION 3. Nothing in this act shall affect the temporary additional excise with respect to the sale of alcoholic beverages and alcohol imposed by chapter four hundred and thirty-four of the acts of nineteen hundred and thirty-nine, as amended by chapter three hundred and thirty-nine of the acts of the current year. *Approved October 8, 1941.* Application of act limited.

AN ACT FURTHER REGULATING THE HOURS OF DUTY OF PERMANENT MEMBERS OF FIRE DEPARTMENTS IN CERTAIN CITIES AND TOWNS. Chap. 638

Be it enacted, etc., as follows:

Chapter forty-eight of the General Laws is hereby amended by inserting after section fifty-eight, as appearing in the Tercentenary Edition, the following new section: — *Section 58A.* The hours of duty of the permanent members of the uniformed fire fighting force in every city in which this section is accepted by the mayor and by the city council and in every town in which it is accepted by vote of the town at an annual town meeting shall be so established by the fire commissioner, board of fire commissioners, chief engineer, board of engineers, or other officers having charge of fire fighting that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed seventy in number. Sections fifty-six, fifty-seven and fifty-nine shall not apply to the permanent members of the uniformed fire fighting force in any such city or town.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, October 6, 1941, and, in concurrence, by the Senate, October 8, 1941, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

G. L. (Ter. Ed.), 48, new § 58A, inserted.
Minimum hours for firemen.

AN ACT AUTHORIZING COUNTIES, CITIES, TOWNS AND DISTRICTS TO CO-OPERATE WITH THE FEDERAL GOVERNMENT IN RELATION TO DEFENSE PUBLIC WORKS. Chap. 639

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to further co-operate Emergency preamble.

with the federal government without delay in national defense in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter four hundred and four of the acts of nineteen hundred and thirty-five, added by chapter four hundred and fourteen of the acts of nineteen hundred and thirty-six, and as most recently amended by section one of chapter four hundred and twenty-three of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out all after the word "thirty-nine" in the eleventh line and inserting in place thereof the following: — , nineteen hundred and forty, nineteen hundred and forty-one and nineteen hundred and forty-two, authorizing grants or loans of federal money for public works projects or defense public works, — so as to read as follows: — *Section 9.* Wherever, in Part I of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, and acts in amendment thereof and in addition thereto, reference is made to the National Industrial Recovery Act or any title or part thereof, or to the Emergency Relief Appropriation Act of 1935, such reference shall be deemed and held to refer also to all acts and joint resolutions of Congress enacted during nineteen hundred and thirty-six, nineteen hundred and thirty-seven, nineteen hundred and thirty-eight, nineteen hundred and thirty-nine, nineteen hundred and forty, nineteen hundred and forty-one and nineteen hundred and forty-two, authorizing grants or loans of federal money for public works projects or defense public works.

SECTION 2. If a county, city, town or district shall have an agreement with the federal government whereby such government grants such county, city, town or district a sum of money to be used with funds provided by said county, city, town or district for a public works project, including defense public works projects, and shall be required primarily to pay that portion of the expense for which reimbursement is to be received from the grant, the treasurer of such county, city, town or district, with the approval of the county commissioners, mayor, selectmen, prudential committee or commissioners, as the case may be, in anticipation of the receipt of the proceeds of such grant, may incur debt, which, in the case of a city or town, shall be outside the debt limit, to an amount not exceeding the amount of the grant as shown by the grant agreement, and may issue notes therefor, payable in not exceeding one year from their dates. Any loan issued under this act for a shorter period than one year may be refunded by the issue of other notes maturing within the required period; provided, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not be more than one year. The proceeds of the grant, so far as necessary, shall be applied

to the discharge of the loan. The treasurer of any county, city, town or district which now has outstanding any temporary loan issued under authority of chapter eighty-two of the acts of nineteen hundred and thirty-eight, or hereafter issued under authority of this act may, with the approval of the board specified in section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, extend such temporary loan for a period or periods not exceeding, in the aggregate, six months beyond the term provided for an original loan by the act under which such loan was made.

SECTION 3. Chapter eighty-two of the acts of nineteen hundred and thirty-eight is hereby repealed.

Approved October 9, 1941.

AN ACT PROVIDING THAT THE QUESTION OF ADOPTING A STANDARD FORM OF CITY CHARTER, SO CALLED, SHALL BE SUBMITTED TO THE VOTERS AT CITY ELECTIONS INSTEAD OF STATE ELECTIONS. *Chap. 640*

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-three of the General Laws is hereby amended by striking out section nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 9.* Within thirty days after the petition has been filed with him, the city clerk shall, except as provided by section ten, transmit a certified copy thereof to the city council, except that the signatures upon the petition need not be copied but in place thereof the city clerk shall state the number of signatures of registered voters thereon, certified as such by the registrars of voters. If any question arises as to the validity or sufficiency of the petition or of the signatures thereon, any registered voter of the city may appeal for a determination of said question to the applicable board referred to in section twelve of chapter fifty-three, upon filing a notice of such appeal with the city council and with the clerk of the board of registrars of voters within forty-five days after the filing of the petition. The decision of the board so appealed to shall be final, and it shall forthwith send notice thereof to the city council. Immediately upon the expiration of said period of forty-five days, if no appeal has been taken as aforesaid and if it appears that said petition bears the required number of signatures of registered voters, certified as aforesaid, and is otherwise valid and sufficient, or forthwith after all proceedings relative to such petition have been decided in favor of the validity or sufficiency of such petition or signatures, as the case may be, said city council shall transmit said certified copy to the city clerk, but not otherwise. The question proposed by the petition shall be duly submitted upon the official ballot to a vote of the registered voters of said city at the next regular city election if said certified copy is transmitted to the city clerk as hereinbefore provided at

G. L. (Ter. Ed.), 43, § 9, amended.

Voting on standard forms of city charters to be at city election.

least thirty days before said election, otherwise it shall be so submitted at the regular city election next following the aforesaid election.

G. L. (Ter. Ed.), 43, § 11, amended.

Majority vote required.

Election of officers, etc.

SECTION 2. Said chapter forty-three is hereby further amended by striking out section eleven, as so appearing, and inserting in place thereof the following section: — *Section 11.* If a majority of the total number of votes cast at a regular city election for and against the adoption of one of the plans of government provided for in this chapter shall be in favor of its adoption, this chapter, so far as applicable to the form of government under the plan adopted by the city, shall supersede the provisions of its charter and of the general and special laws relating thereto and inconsistent herewith, but not, however, until officers provided for under such plan shall have been duly elected and their terms of office shall have begun. The officers provided for under the plan so adopted shall be elected in accordance with the provisions of this chapter relating to such plan and in accordance with section fifteen, and their terms of office shall begin at ten o'clock in the forenoon of the first Monday of January following their election.

G. L. (Ter. Ed.), 43, § 15, etc., amended.

Dates of city elections.

SECTION 3. Said chapter forty-three is hereby further amended by striking out section fifteen, as amended, and inserting in place thereof the following new section: — *Section 15.* After the adoption by any city of any plan provided for by this chapter

(a) If the plan adopted provides for annual elections, regular municipal elections under said plan shall take place in the year following its adoption, and thereafter, on the Tuesday next following the first Monday of December in each year; provided, that if said city accepts or has accepted section one hundred and three A of chapter fifty-four all regular municipal elections under such plan following such acceptance shall take place on the third Tuesday of December in each year;

(b) If the plan adopted provides for elections to be held biennially in every even-numbered year, the regular municipal election next succeeding the adoption of such plan shall take place on the Tuesday following the first Monday of December in the even-numbered year next succeeding the year of its adoption, and regular municipal elections thereafter shall take place on the Tuesday next following the first Monday of December in every even-numbered year; provided, that in any such city which accepts or has accepted said section one hundred and three A all regular municipal elections under said plan following such acceptance shall take place biennially on the third Tuesday of December in every even-numbered year; and

(c) If the plan adopted provides for elections to be held biennially in every odd-numbered year, the first regular municipal election following its adoption shall take place in the odd-numbered year next succeeding the year of its

adoption on the day fixed for the holding of such elections under the laws in effect in such city immediately prior to such adoption, and regular municipal elections thereafter shall take place in every odd-numbered year on the day fixed as aforesaid; provided, that in any city which adopts Plan E all regular municipal elections shall take place as provided in section one hundred and nine.

In each city adopting any plan provided for by this chapter, the municipal year shall begin and end at ten o'clock in the morning of the first Monday of January in each year.

SECTION 4. Section forty-four A of said chapter forty-three, as most recently amended by section fourteen of chapter three hundred and seventy-eight of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the last sentence of the first paragraph.

G. L. (Ter. Ed.), 43, § 44A, etc., amended.

SECTION 5. Section forty-four H of said chapter forty-three, as amended by section seven of chapter one hundred and eighty of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the fifth and in the fourteenth lines, the word "state" and inserting in place thereof, in each instance, the word: — city, — and by striking out, in the eleventh line, the word "regular" and inserting in place thereof the word: — biennial, — so as to read as follows: — *Section 44H.* If, in a city governed on September first, nineteen hundred and twenty-two, by one of the plans provided by this chapter, there is filed with the city clerk, not later than one month before a regular city election, a petition conforming so far as possible to the provisions of sections eight and nine, requesting that such city accept the provisions of sections forty-four A to forty-four G, inclusive, and bearing the signatures of registered voters thereof, duly certified by the registrars of voters, to a number equal to at least ten per cent of the registered voters thereof at the biennial state election next preceding such filing, the following question shall be placed upon the official ballot to be used in such city at the next regular city election: — "Shall sections forty-four A to forty-four G, inclusive, of chapter forty-three of the General Laws, relative to the nomination by preliminary elections of candidates for elective municipal offices in cities governed under a standard form of city charter, be accepted by the city of _____?" If a majority of the voters voting thereon in such city vote in the affirmative, said sections shall take effect therein.

G. L. (Ter. Ed.), 43, § 44H, etc., amended.

Preliminary election in cities, how secured

SECTION 6. Chapter fifty-four A of the General Laws is hereby amended by striking out section two, as amended by section seventeen of said chapter three hundred and seventy-eight, and inserting in place thereof the following section: — *Section 2.* A petition in a form prescribed as hereinafter provided, signed in person by registered voters of any city or any town as to which this chapter applies, equal in number to at least ten per cent of the registered voters thereof,

G. L. (Ter. Ed.), 54A, § 2, etc., amended.

Proportional representation.
Petition, contents, etc.

Form of
question for
submission
to voters.

petitioning that all the members of any particular elective body as to which this chapter applies, specified in the petition, to be composed of any odd number of members not more than fifteen in a city, or any number then permitted by law in a town, which is specified therein, be elected at large by proportional representation, or that any particular elective officer, specified therein, be elected by preferential voting, and that the question of adopting the proposed change be submitted to the voters of such city or town at a regular municipal election, as specified therein, may be filed with the city or town clerk not later than sixty days prior to such a municipal election; provided, that this section shall not authorize the filing of a petition for the submission of such a question relative to a body or officer except at the regular municipal election next preceding a regular municipal election at which successors to one or more members of such a body are to be elected or a successor to such officer is to be elected, as the case may be; and provided, further, that this section shall not authorize the submission of such a question relative to any body the members of which are already authorized to be elected by proportional representation.

The city or town clerk shall prescribe the form of the aforesaid petitions which shall conform to the provisions of section thirty-eight of chapter forty-three relative to initiative petitions in cities governed by said chapter.

Within twenty days after the filing of any such petition, the city or town clerk shall transmit the same to the registrars of voters who shall certify upon such petition the number of signatures which are names of registered voters in such city or town; provided, that the registrars need not certify a greater number of names than is equal in number to twelve per cent of the registered voters therein.

If such a petition, signed by the requisite number of voters of a city or town and otherwise conforming to the provisions of this section, is filed with the city or town clerk and the signatures thereon certified as hereinbefore required, there shall be printed on the official ballot to be used in such city or town at the election specified in such petition, the question of the adoption of the change petitioned for, in the form set forth in the first of the following questions, in case the change will affect an elective body or in the form set forth in the second, in case it will affect an elective officer, the blanks in either such question to be properly filled in:—

(1) Referendum on the election at large by proportional representation of the members of (insert name of the elective body specified in the petition) of the (city or town) of

Shall the (insert name of the elective body specified in the petition) of this (city or town) be elected by proportional representation as authorized in chapter fifty-four A of the General Laws, said body to consist of (insert number) members, all to be elected at large?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

(2) Referendum on the election by preferential voting of (insert title of the elective officer specified in the petition) of the (city or town) of

Shall the (insert title of the elective officer specified in the petition) of this (city or town) be elected by preferential voting as authorized in chapter fifty-four A of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If, pending the determination of the question of electing by proportional representation the members of any elective body proposed by a petition already filed under this section, a petition presenting the question of so electing the members of such body but specifying a different number of members shall be presented for filing with a city or town clerk, no action shall be taken upon the later petition except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the earlier petition was cast.

If a majority of the votes cast upon any such question relative to a body or officer of a city or town is in the affirmative the following provisions of this chapter, so far as apt, shall apply with respect to such body or officer and shall become operative with respect to the regular municipal election of such city or town next succeeding the vote on such question; provided, that if the terms of all members of such a body in office immediately preceding such election will not so expire that successors to all the members will be required by law to be elected at such election, the operation of such provisions shall be suspended and, as the terms of the members so in office, other than those having the longest unexpired terms, expire, their successors shall be elected, by the voting system then in effect, to serve only for terms of such length that the terms of all members so in office will expire at the same time.

At the regular municipal election immediately preceding the termination of the terms of all members of such a body, the full number of its members as specified in the question shall be elected at large, to serve for terms of the same length as the longest term then established for any of its members, by proportional representation and in accordance with the provisions of law governing elections to such body which are not inconsistent with this chapter, and thereafter as the terms of the members so elected expire their successors shall be elected in the same manner and, except as otherwise provided by chapter forty-one in the case of a town, for the same terms.

At the regular municipal election immediately preceding the termination of the term of such an elective officer, his successor shall be elected, for the same term of office as then provided by law, by preferential voting and in accordance with the provisions of law governing elections to such office which are not inconsistent with this chapter.

If, pending the determination of the question of the adoption of one of the plans provided for by chapter forty-three, which has already been filed, a petition under this chapter shall be presented for filing with the city clerk, no action shall be taken upon the petition under this chapter, except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the petition under this chapter as though it had been filed on the day when such vote on the earlier petition was cast.

Effective
date.

SECTION 7. This act shall take effect December thirty-first, nineteen hundred and forty-two.

Approved October 9, 1941.

Chap. 641 AN ACT ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWNS OF BELLINGHAM AND FRANKLIN.

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter constitute the boundary line between the towns of Bellingham and Franklin:—Beginning at a point on the Bellingham-Franklin town line designated as Bellingham-Franklin-seven, which point is near the intersection of Lake street, Prospect street and Maple street, being a rough granite monument three and one half feet high about ten inches square with a drill hole on the top two inches deep and lettered "B-F"; thence north eighty-seven degrees eighteen minutes and twenty seconds west (true bearing), a distance of two hundred fifty feet to a stone monument; thence north two degrees forty-one minutes and thirty seconds east (true bearing), a distance of three thousand four hundred ninety-nine and sixty-six one hundredths feet to a stone monument; thence south eighty-three degrees twenty-three minutes and twenty seconds east (true bearing), a distance of four hundred thirty feet to a stone monument; thence north six degrees thirty-six minutes and forty seconds east (true bearing), a distance of four thousand eighty-nine and eighty-five one hundredths feet to the center of the back of a granite Massachusetts highway bound, which bound is on the southerly side of West Central street, Franklin or Mechanic street, Bellingham, being on the line between Bellingham-Franklin-four and Bellingham-Franklin-five, said bound being six thousand eight hundred fifty-two and five tenths feet, south twelve degrees eighteen minutes west (true bearing), from Bellingham-Franklin-four.

SECTION 1A. The inhabitants of the estates within the territory in the towns of Bellingham and Franklin, respectively, which is affected by this act, and the owners of such estates, shall be holden to pay all arrears of taxes which have legally been assessed upon them prior to the effective

date of this act, and such taxes shall be collected by the collector of the town by which said taxes were originally assessed.

SECTION 1B. Inhabitants of the territory set off from the town of Bellingham and annexed to the town of Franklin and of that set off from the town of Franklin and annexed to the town of Bellingham by this act shall, if qualified to vote in such territory, continue to be voters of the town of Bellingham and the town of Franklin, respectively, for the purpose of electing representatives in the general court, until the next apportionment shall be made. It shall be the duty of the board of registrars of voters of each of said towns to make true lists of the persons within the territory hereby annexed thereto, qualified to vote at any such election, and to post a list in the said territory and to correct the same, as required by law, and to deliver the same to the registrars of voters of the town from which said territory was set off at least seven days before any such election, and the same shall be taken and used for any such election in the same manner as if it had been prepared by the board of registrars of such town.

SECTION 2. This act shall take full effect upon its acceptance by vote of the county commissioners of the county of Norfolk, and by vote of the board of selectmen of each of the towns of Bellingham and Franklin, and the filing of certificates of such acceptances in the office of the state secretary, but not otherwise. *Approved October 9, 1941.*

AN ACT REQUIRING THE GIVING OF NOTICE TO THE COMMISSIONER OF LABOR AND INDUSTRIES OF THE COMMENCEMENT OR A CHANGE OF LOCATION OF OPERATIONS BY INDUSTRIES IN THIS COMMONWEALTH.

Chap. 642

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section one hundred and seventy-nine A, as appearing in the Tercentenary Edition, the following new section:— *Section 179B.* The owner of every factory, workshop, manufacturing, mechanical, mercantile or other establishment or industry in which twelve or more persons are employed shall, upon the commencement, or a change of location, of its operations within the commonwealth, give notice thereof to the commissioner in such form as the commissioner shall prescribe. Whoever knowingly violates this section shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than two months, or both.

Approved October 9, 1941.

G. L. (Ter. Ed.), 149, new § 179B, inserted.

Notice of change of location.

Penalty.

Chap. 643 AN ACT ESTABLISHING A BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS AND REGULATING THE PRACTICE OF PROFESSIONAL ENGINEERING AND OF LAND SURVEYING.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, new §§ 45-47, inserted.

SECTION 1. Chapter thirteen of the General Laws is hereby amended by inserting after section forty-four, inserted by section one of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-five, the following three new sections, under the following caption: —

New caption.

BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS.

Board of registration of professional engineers and land surveyors.

Appointment of members, etc.

Section 45. There shall be a board of registration of professional engineers and of land surveyors, in this section and in sections forty-six and forty-seven, called the board, consisting of five registered professional engineers, citizens of the United States and residents of the commonwealth, appointed by the governor, with the advice and consent of the council, each of whom shall have been actively engaged in the practice of engineering for at least twelve years and shall have been in responsible charge of important engineering work or in engineering teaching, or both, for at least five years. Of the members of said board one shall be a civil engineer, one shall be a mechanical engineer, one shall be an electrical engineer, one shall be a mining or metallurgical engineer and one shall be a chemical engineer. Upon the expiration of the term of a member of the board his successor, qualified as aforesaid and representative of the same branch of engineering, shall be appointed for a term of five years by the governor, with the advice and consent of the council. All members of the board shall be in active practice of their profession at the time of their appointment. In the event of a vacancy in the board caused otherwise than by expiration of the term of office a member qualified as above and similarly representative shall in like manner be appointed for the remainder of the unexpired term and until the qualification of his successor.

Meetings of board.

Election of chairman, etc.

Quorum.

Section 46. The members of the board shall hold at least two regular meetings each year, and may hold such special meetings at such time and place as the board may provide by by-law or rule. Notice of all such meetings shall be given as provided by such by-laws or rules. At the first regular meeting in each year the members of the board shall choose from their own number a chairman, a vice-chairman and a secretary. At all meetings of the board a quorum shall consist of three members.

Expenses incurred by members, etc.

Section 47. The members of the board shall receive no compensation, but each member shall receive from the commonwealth the expenses necessarily incurred by him in

connection with his official duties; provided, that such compensation and expenses shall not in any year be in excess of the annual receipts for examinations and registration and from other sources paid to the commonwealth by the board for the purposes of sections eighty-one A to eighty-one Q, inclusive.

SECTION 2. Chapter one hundred and twelve of the General Laws is hereby amended by inserting after section eighty-one, as appearing in the Tercentenary Edition, the following seventeen new sections, under the following caption: —

G. L. (Ter. Ed.), 112, new §§ 81A-81Q, inserted.

REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS.

Section 81A. The following words and phrases as used in sections eighty-one A to eighty-one Q, inclusive, hereinafter referred to as said sections, shall, unless the context otherwise requires, have the following meanings: —

Definitions.

“Board”, the board of registration of professional engineers and of land surveyors established by section forty-five of chapter thirteen.

“Land surveying”, or “practice of land surveying” shall include surveying of land for any purpose.

“Professional engineer”, any person who engages in the practice of professional engineering; provided, that said phrase shall not include an architect or the practice of architecture, or an engineer licensed under chapter one hundred and forty-six, nor shall registration as a professional engineer qualify a person to practice as an engineer licensed under chapter one hundred and forty-six.

“Professional engineering”, or “practice of professional engineering”, performing, or holding one's self out as being able to perform, any engineering service in connection with the planning, design or supervision of any structure, machinery, process, project or work requiring the education, training and experience required for registration as a professional engineer or land surveyor as provided in section eighty-one G; provided, that said sections shall not prohibit employees of engineers registered under said section eighty-one G from acting under the instruction, control or supervision of their employers, nor shall said sections apply to the supervision by builders, or superintendents employed by such builders, of buildings or structures.

Section 81B. The board shall examine applicants for registration as registered professional engineers and as registered land surveyors. It shall make such rules and regulations as are necessary or proper for the proper conduct of its duties. The board may adopt and shall use an official seal.

Duties of board.
Rules and regulations.

Section 81C. The secretary of the board shall receive and account for all moneys received under said sections and shall pay the same to the state treasurer. Said secretary shall give to the state treasurer a bond, in such sum and

Secretary to receive, etc., moneys.
Bond.

with such sureties as may from time to time be required by the board under authority of law, for the faithful performance of his duties.

Clerical
assistance, etc.

Section 81D. The board may employ such clerical and other assistance as may be necessary for the proper performance of its work.

Records of
board.

Annual report
to governor.

Section 81E. The board shall keep a full record of its proceedings and a register of applications for registration, which register shall show (a) the name, age and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the board; and (i) such other information as may be deemed necessary by the board. Such register shall be open to public inspection.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under the seal of the board, shall be admissible in evidence with the same force and effect as if the original were produced.

The board shall make an annual report to the governor, which shall include an itemized statement of all receipts and expenses of the board for the year.

Roster of
registered
professional
engineers.

Section 81F. A roster showing the names and places of business of all registered professional engineers and all registered land surveyors shall be prepared by the secretary of the board during the month of July of each year, commencing in nineteen hundred and forty-two. Copies of such roster shall be mailed to each person so registered, placed on file with the state secretary and furnished to the public upon request.

Qualification
of professional
engineers.

Examination,
experience, etc.

Section 81G. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a professional engineer, or as a land surveyor, respectively, to wit: —

(1) As a professional engineer: —

(a) Graduation from a college or university authorized by the general court to grant degrees of bachelor of science in engineering or the equivalent, or graduation from an engineering curriculum of four years or more accredited by Engineers Council for Professional Development in a school or college approved by the board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

(b) Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a

character satisfactory to the board and indicating that the applicant is competent to practice professional engineering; or

(c) A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the board and indicating that the applicant is qualified to design or to supervise construction of engineering works; provided, that the applicant shall be not less than thirty-five years of age.

In counting years of experience under (1) (a), the board may give credit, but not in excess of one year, for satisfactory graduate study in engineering.

(2) As a land surveyor: —

(a) Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying; and an additional two years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

Qualification
of land sur-
veyors.

Examination,
experience, etc

(b) Successfully passing a written, or written and oral, examination in surveying prescribed by the board; and a specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(c) A specific record of ten years or more of lawful practice in land surveying work of a character satisfactory to the board; provided, that the applicant shall be not less than thirty years of age.

No person shall be eligible for registration as a professional engineer or as a land surveyor who is not of good character and reputation. In considering the qualifications of applicants, engineering teaching of a character satisfactory to the board may be considered by the board as engineering experience.

The satisfactory completion of each year of a curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in this section. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience in this section; provided, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be practice in professional engineering.

The fact that an applicant for registration by the board is not at the time of application practicing his profession shall not of itself make him ineligible for such registration

Applications
for registration.
Fee.

Section 81H. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of the applicant's engineering or surveying experience.

The registration fee for professional engineers shall be twenty-five dollars, fifteen dollars of which shall accompany the application, the remaining ten dollars to be paid upon issuance of certificate; provided, that when a certificate of qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification the total fee for registration as professional engineer shall be ten dollars. The registration fee for land surveyors shall be fifteen dollars, which shall accompany the application.

If in the opinion of the board any applicant is ineligible to receive a certificate of registration no part of the fee accompanying his application shall be refunded to him.

Examinations,
when and
where held.
Scope of, etc.
Re-examina-
tion.
Fee.

Section 81I. When oral or written examinations are required they shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects, such as are ordinarily given in college curricula, the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations for the purpose of determining the qualifications of applicants for registration in professional engineering and in land surveying shall be given separately. A candidate failing on his first examination, upon application therefor not less than six months thereafter shall be entitled to be re-examined without payment of any additional fee, but no further or subsequent examination of the same candidate shall be given except upon payment of a fee of fifteen dollars. Upon request by any applicant who is rejected the board shall furnish him with the reasons for his rejection.

Certificates
of registration.
Contents
of, etc.

Section 81J. The board shall issue a certificate of registration, upon payment of the pertinent registration fee, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of said sections. In the case of a registered professional engineer the certificate shall authorize the use of the title of registered professional engineer, and in the case of a registered land surveyor the certificate shall authorize the use of the title of registered land surveyor. Certificates of registration shall set forth the full

name of the registrant, shall bear a serial number and shall be signed by the chairman and the secretary of the board and be under the seal of the board.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or of a registered land surveyor, as the case may be, while such certificate remains unrevoked or unexpired.

Each person registered under said sections may upon registration obtain a seal of a design authorized by the board, bearing the registrant's name and the words "Registered Professional Engineer" or "Registered Land Surveyor", as the case may be. Plans, specifications, plats and reports approved by a registrant may be stamped with said seal when filed with public authorities, while the registrant's certificate is in force, but no person shall stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued and shall at such time be in full force.

Section 81K. Certificates of registration shall expire on the last day of the month of June following their issuance or renewal, but may be renewed as hereinafter provided. The secretary of the board shall, at least one month in advance of the expiry date of such certificate, notify the registrant of such expiry date and of the fee required for the renewal of the certificate for the succeeding year, and any such certificate may be annually renewed on or prior to June thirtieth upon payment of a fee of two dollars. If a registrant fails to renew his certificate prior to July first in any year the certificate may thereafter be renewed for a period ending on the following June thirtieth upon payment of a fee as herein-after provided. Such fee shall be two dollars plus twenty cents for each month or fraction thereof following June thirtieth; provided, that the maximum fee shall not exceed four dollars.

Expiration of
certificates of
registration.
Fees.

Section 81L. The board, upon application therefor and the payment of a fee of ten dollars, may issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any other state or any foreign country; provided, that the requirements for the registration of professional engineers under which said certificate of qualification or registration was issued do not conflict with said sections and are of a standard not lower than that specified in section eighty-one G.

Registration
of engineers
from other
states.

Section 81M. The board may revoke the certificate of registration of any registrant who is found guilty of:—

(a) The practice of any fraud or deceit in obtaining a certificate of registration; or

Revocation of
certificates of
registration,
grounds for.

Charges,
hearing, etc.

(b) Any gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or as a registered land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant at least thirty days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defence. If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or registered land surveyor.

Duplicate
certificates of
registration.

Fee.

Section 81N. The board, for any reason which it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, if three or more members of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and a charge of three dollars shall be made for such issuance.

Use of word
"registered"
prohibited,
when.

Section 81O. Nothing in said sections shall be construed as requiring the registration or the licensing of any person as a prerequisite to the practice of professional engineering or land surveying, or as restricting the use by any person of any or all of the terms "engineer", "professional engineer", "civil engineer", "mechanical engineer", "electrical engineer", "chemical engineer", "industrial engineer", "mining engineer", "surveyor", "land surveyor", and similar titles; but no person shall represent himself as, or use the title of, "registered professional engineer" or "registered land surveyor" or use the word "registered" in combination with any engineering or surveying title unless he is registered as such in accordance with the pertinent provisions of said sections and his registration is in full force and effect.

Jurisdiction
of superior
court.

Section 81P. Any person aggrieved by any action of the board refusing to grant, or suspending or revoking, a certificate of registration or a permit for any cause, may, within fifteen days following notification by the board of such action, appeal to the superior court of the county wherein he resides,

and, after hearing, said court shall make such decree, sustaining or reversing in whole or in part the decree of the board, as it deems proper, and its decision shall be final.

Section 81Q. Whoever holds himself out within the commonwealth as a registered professional engineer or as a registered land surveyor without being registered as such under said sections, or whoever presents or attempts to use as his own the certificate of registration or the seal, referred to in said sections, of any person other than himself, or whoever gives or offers to give any false or forged evidence to the board or to any member thereof for the purpose of obtaining for any person such a certificate of registration, or whoever falsely impersonates any registrant under said sections or whoever attempts to use such a certificate of registration which has expired or has been revoked, or whoever violates any provision of any of said sections, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in jail or a house of correction for not more than three months, or by both such fine and imprisonment.

Impersonation
of registrants.

Penalty.

SECTION 3. The initial appointments of the members of the board of registration of professional engineers and land surveyors provided for by this act shall, within ninety days after the effective date hereof, be made by the governor, with the advice and consent of the council. Of the members so initially appointed one shall be appointed to serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, from the date of appointment, and until the qualification of their respective successors. Each member so appointed shall receive from the board a certificate of registration under this act. Within thirty days after the qualification of the members so initially appointed the board shall hold a meeting for organization and other purposes.

Initial appointment
of members
of board.

SECTION 4. At any time within five years after the date of the first meeting of the board, upon due application therefor and the payment, in the case of an engineer, of a registration fee of fifteen dollars, and, in the case of a land surveyor, of a registration fee of ten dollars, the board shall issue, without oral or written examination, a certificate of registration to any professional engineer or land surveyor who shall under oath submit evidence satisfactory to the board that he is of good character, has been a resident of the commonwealth for at least one year continuously immediately preceding the date of his application, and has performed work in his profession of a character satisfactory to the board. Engineers in state or municipal service qualified as civil, mechanical, designing, electrical, or sanitary engineers under the civil service laws of the commonwealth upon the effective date of this act shall be eligible to register as a professional engineer under this section.

Registration
without ex-
amination.

Partial
invalidity of
act not to
affect re-
mainder.

SECTION 5. If any section or part thereof of this act, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person or condition, the remainder thereof, or the application of any such section or part thereof to any other person or condition, shall not be affected thereby.

Approved October 9, 1941.

Chap. 644 AN ACT AUTHORIZING THE TOWN OF SOUTHBOROUGH TO TAKE WATER FOR WATER SUPPLY PURPOSES FROM THE PRESSURE AQUEDUCT AND TUNNEL OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Southborough is hereby authorized to take water for water supply purposes of said town and its inhabitants from the pressure aqueduct and tunnel of the metropolitan water system or from any available pipe line or other structure leading from said pressure aqueduct, at such times as water may be available in said aqueduct and as water is not being taken by said town from the Sudbury reservoir as authorized by any provision of law, upon such terms and conditions as may be mutually agreed upon by the metropolitan district commission and said town; provided, that said town is hereby authorized to take one hundred and fifty thousand gallons of water per day from said aqueduct without charge; and provided, further, that no entrance or connection fee shall be required of said town for connection to said aqueduct. Said town may enter upon the lands of the commonwealth at such place or places, in such manner and at such times as may be approved by said commission, for the purpose of constructing and maintaining thereon pipes or pipe lines or other structures for the purpose of conveying such water; provided, that for all damages caused to the commonwealth by all such work or construction said town shall pay to the commonwealth such compensation as may be agreed upon between said town and said commission. If said town and said commission cannot agree as aforesaid, such terms and conditions, or compensation, as the case may be, shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, the report of such master, when accepted by said court, to be final and binding on all parties.

SECTION 2. For the purpose of carrying out this act, the town of Southborough may from time to time borrow such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Southborough Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years. Indebtedness incurred under this act shall be in excess of the statutory limit

but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 3. Chapter three hundred and three of the acts of nineteen hundred and thirty-nine is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved October 9, 1941.

AN ACT RELATIVE TO THE QUALIFICATIONS OF PHYSICIANS
CERTIFYING TO INSANITY AND RELATIVE TO THE TEMPO-
RARY CARE OF CERTAIN MENTALLY DERANGED PERSONS.

Chap. 645

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section fifty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 53.* No physician shall make a certificate of insanity under section fifty-one unless he makes oath that he is a graduate of a legally chartered medical school or college, that he has been in the actual practice of medicine for three years since his graduation and for three years last preceding the making of said oath, and that he is registered as a physician in accordance with chapter one hundred and twelve, nor unless his standing, character and professional knowledge of insanity are satisfactory to the judge. Where, in the opinion of the judge, it is practicable within his jurisdiction, at least one of the two physicians required to make a certificate of insanity under section fifty-one shall be a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Incorporated. The physician who makes such certificate shall have examined the alleged insane person within five days of his signing and making oath to the certificate, and shall state therein that in his opinion such person is insane and a proper subject for treatment in a hospital for the insane, and the facts upon which his opinion is based. A copy of the certificate, attested by the judge, shall be delivered with the insane person to the superintendent of the institution to which the person shall have been committed, to be kept on file with the order of commitment, and said superintendent shall forthwith transmit to the department copies of such certificate, of the statement required by section fifty-four and of the order of commitment. Any certificate bearing date more than ten days prior to the commitment of any person alleged to be insane shall be void, and no certificate shall be valid or received in evidence if signed by a physician holding any office or appointment, other than that of consulting or advisory physician, in an institution for the insane to which such person is committed.

G. L. (Ter. Ed.), 123, § 53, amended.

Qualifications of physicians certifying to insanity.

SECTION 2. Said chapter one hundred and twenty-three is hereby further amended by striking out section seventy-nine, as most recently amended by section one of chapter two hundred and sixteen of the acts of nineteen hundred

G. L. (Ter. Ed.), 123, § 79, etc., amended.

Temporary
care of insane
persons need-
ing immediate
care, etc.

and forty-one, and inserting in place thereof the following section:— *Section 79.* The superintendent or manager of any institution for the insane may, when requested by a physician, sheriff, deputy sheriff, member of the state police, police officer of a town, or by an agent of the institutions department of Boston, receive and care for in such institution as a patient, for a period not exceeding ten days, any person deemed by such superintendent or manager to be in need of immediate care and treatment because of mental derangement other than drunkenness. The physician shall be a graduate of a legally chartered medical school, shall be registered in accordance with chapter one hundred and twelve, or shall be a commissioned medical officer of the United States army, navy or public health service acting in the performance of his official duties, and personally shall have examined the patient within twenty-four hours of signing the request. Such request for admission of a patient shall be put in writing and be filed at the institution at the time of his reception, together with a statement in a form prescribed or approved by the department, giving such information as it deems appropriate. Any such patient deemed by the superintendent or manager not suitable for such care shall, upon the request of the superintendent or manager, be removed forthwith from the institution by the person requesting his reception, and, if he is not so removed, such person shall be liable to the commonwealth or to the person maintaining the private institution, as the case may be, for all reasonable expenses incurred under this section on account of the patient, which may be recovered in contract by the state treasurer or by such person, as the case may be. The superintendent or manager shall either cause every such patient to be examined by two physicians, qualified as provided in section fifty-three, and cause application to be made for his admission or commitment to such institution, or cause him to be removed therefrom before the expiration of said period of ten days, unless he signs a request to remain therein under section eighty-six. The officers mentioned in section ninety-five or any member of the state police may transport the patient, or cause him to be transported, to the institution. Reasonable expenses incurred for the examination of the patient and his transportation to the institution shall be allowed, certified and paid as provided by section seventy-four. In instances where an individual, deemed by the department to be entitled to care in this commonwealth, is being held in a mental hospital or other place of detention for mental patients in another state awaiting transfer to a state hospital in this commonwealth, and such transfer has been approved by the department, the commissioner or any other medical officer of the department may sign such a request, without personal examination of the patient, to authorize his immediate hospitalization upon arrival in this commonwealth.

Approved October 9, 1941.

AN ACT ESTABLISHING THE MASSACHUSETTS BOARD FOR THE PROMOTION OF OPPORTUNITIES FOR YOUNG PEOPLE. *Chap. 646*

Be it enacted, etc., as follows:

SECTION 1. There shall be in the department of education a board, to be known as the Massachusetts Board for the Promotion of Opportunities for Young People, in this act called the board, for the purpose of co-ordinating the activities of the state government, industry, the schools, labor and public and private social agencies, in so far as they relate to educational and employment problems of the youth of the commonwealth.

The board shall consist of the commissioner of education, who shall be chairman, the commissioner of labor and industries, the commissioner of correction, the commissioner of public welfare, and five citizens of the commonwealth to be appointed by the governor. Of the members so appointed, one shall, on account of previous vocation, employment, occupation or affiliation, be classed as an employee, and one shall be classed as an employer, and one shall have had practical experience in youth guidance and training.

Of the appointive members originally appointed hereunder, one shall be appointed for a term of one year, one for two years, one for three years, one for four years, and one for five years. Each appointive member of the commission shall serve until the qualification of his successor, who shall be appointed in like manner, and subject to any pertinent provisions as to qualifications, for the term of five years, or for such shorter period as will make his term co-terminous with the existence of the board. Any vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The members of the board shall serve without compensation; but they shall be reimbursed for necessary traveling and other expenses, and disbursements incurred or expended in the performance of their official duties.

SECTION 2. The board shall be provided with suitable offices in the city of Boston and elsewhere within the commonwealth in buildings occupied by the department of education, as the board may determine, and may expend for office furniture and furnishings, stationery, printing, incidental expenses and other expenses necessary or reasonable in connection with its duties, such sum as may be appropriated therefor.

SECTION 3. The board shall co-operate with all federal and state agencies having to do with the education, training and guidance of youth, with all organizations of employers and employees within the commonwealth, and with school committees and all public and private agencies within the commonwealth engaged in assisting and counseling youth, all to the end that it may carry out its purposes.

SECTION 4. This act shall become inoperative, and the board shall cease to exist, on December first, nineteen hundred and forty-seven. *Approved October 10, 1941.*

Chap. 647 AN ACT ABOLISHING THE OFFICE OF CASHIER IN THE DEPARTMENT OF THE ATTORNEY GENERAL.

Be it enacted, etc., as follows:

SECTION 1. The office of cashier in the department of the attorney general is hereby abolished.

G. L. (Ter. Ed.), 12, § 2, etc., amended.

SECTION 2. Chapter twelve of the General Laws is hereby amended by striking out section two, as amended by section one of chapter one hundred and thirty-three of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following section: — *Section 2.* He may appoint such assistants as the duties of the department require and a chief clerk and, with the approval of the governor and council, shall fix their compensation. He may, with the approval of the governor and council, employ additional legal assistance. Appointments under this section, other than that of chief clerk, shall be exempt from chapter thirty-one.

Assistants, etc., to attorney general.

Approved October 10, 1941.

Chap. 648 AN ACT RELATING TO THE COMMITMENT OF JUVENILE DELINQUENTS TO JAIL AND THE CARE OF CHILDREN UNDER SEVENTEEN HELD FOR EXAMINATION OR TRIAL.

Be it enacted, etc., as follows:

SECTION 1. Section fifty-nine of chapter one hundred and nineteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second paragraph.

G. L. (Ter. Ed.), 119, § 59, amended.

SECTION 2. Said chapter one hundred and nineteen is hereby further amended by striking out section sixty-six, as so appearing, and inserting in place thereof the following section: — *Section 66.* A child under seventeen, except when charged with an offense punishable by death or life imprisonment or with a sex crime, so called, or except as otherwise provided by section fifty-nine or section sixty-seven, shall not, pending an examination or trial or in default of bail, be committed to a lockup, police station or house of detention, to a jail or house of correction or to the state farm; provided, that a boy between fourteen and seventeen, arrested in the act of violating a law of the commonwealth, or on a warrant, may, in the discretion of the arresting officer, be committed to a lockup, police station or house of detention.

G. L. (Ter. Ed.), 119, § 66, amended.

Detention of minors in lockups, etc., regulated.

Whenever a boy between fourteen and seventeen has been committed to a lockup, police station or house of detention the probation officer and at least one of his parents or his guardian, or, if there is no parent or guardian, the person with whom such child resides, shall be notified at once of

such commitment. The officer of the place of custody where such child is confined, on the written request of the probation officer, shall release such child to him unless the officer who made the commitment makes a written request for his detention. Such probation officer shall notify such child of the time and place of the hearing of his case.

SECTION 3. Section sixty-seven of said chapter one hundred and nineteen, as so appearing, is hereby amended by adding after the word "jail" in the eleventh line the following new sentence: — The department shall be allowed such sums as may be necessary to provide additional special foster homes, special supervisors and transportation facilities for the care, maintenance and safe keeping of such children fourteen years of age or over who may be committed to the department under this section; provided, that no more than five such children shall be detained in any such foster home at any one time, — so that the second paragraph will read as follows: —

G. L. (Ter. Ed.), 119, § 67, amended.

A child fourteen years of age or over so held, if unable to furnish bail shall be so committed to the department with its consent or to a probation officer unless the court on immediate inquiry shall be of opinion that, if so committed, such child will not appear at such examination or trial, in which case said child may be committed to jail. The department shall be allowed such sums as may be necessary to provide additional special foster homes, special supervisors and transportation facilities for the care, maintenance and safe keeping of such children fourteen years of age or over who may be committed to the department under this section; provided, that no more than five such children shall be detained in any such foster home at any one time.

Commitment of certain children to the department.

Approved October 10, 1941.

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF PARTIALLY
DISABLED PUBLIC EMPLOYEES AND THE TEMPORARY FILL-
ING OF THEIR ORIGINAL POSITIONS.

Chap. 649

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws is hereby amended by inserting after section seventy-three, as amended, the following new section: — *Section 73A.* Any employee who by reason of partial disability is entitled to receive compensation as provided by section sixty-nine from the commonwealth, or from such county, city, town or district, and who in the opinion of the head of any department or of any appointing officer, can be suitably employed in such department or by such officer in a position with duties adapted to his reduced earning capacity, may, subject in the case of a state employee to the approval of the division of personnel and standardization, be so employed at a salary based on his reduced earning capacity as determined by the industrial accident board or a member thereof after a

G. L. (Ter. Ed.), 152, new § 73A, inserted.

Employment based on reduced earning capacity.

hearing; provided, that no such employee shall be so employed in a position within the classified civil service without the approval of the director of civil service. The head or appointing officer of the department in which such employee was employed previous to the injury causing his disability, may, subject to the provisions of chapter thirty-one, temporarily employ a person to fill any vacancy in the original position of such employee that may be caused by his disability, pending the return of such employee to full time employment at his regular duties.

Approved October 14, 1941.

Chap.650 AN ACT PROVIDING FOR THE REIMBURSEMENT BY THE COMMONWEALTH OF CERTAIN TOWNS FOR LOSS OF TAXES ON LAND AT THE BEDFORD AIRPORT, SO CALLED.

Be it enacted, etc., as follows:

Upon the acquisition by the department of public works of land in the towns of Bedford, Concord and Lincoln, or either of them, for the purposes of the Bedford airport, so called, as provided by chapter two hundred and sixty-eight of the acts of nineteen hundred and forty-one, sections thirteen to seventeen, inclusive, of chapter fifty-eight of the General Laws shall apply to said land to the same extent as if it were a state military camp ground.

Approved October 14, 1941.

Chap 651 AN ACT AUTHORIZING THE TOWN OF BOYLSTON TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Boylston may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. For the purposes aforesaid, said town, acting by and through its board of water commissioners hereinafter provided for, may contract with any other municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources, by means of driven, artesian or other wells or filter galleries, within the limits of said town, not already appropriated for purposes of a public water supply, and the water rights connected with any such water sources; and in accordance with the pertinent provisions of chapter

four hundred and eighty-eight of the acts of eighteen hundred and ninety-five as amended, may take not more than one half million gallons of water per day from the reservoir on the south branch of the Nashua river known as Wachusett reservoir, in the vicinity of Scar Hill road, or from the ground in the vicinity of said reservoir, subject to the approval of the metropolitan district commission; and also for said purposes may take by eminent domain under said chapter seventy-nine, or acquire by lease, purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying, protecting and preserving the purity of the water and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, pumping, purification and filtration plants and such other works as may be necessary in carrying out this act shall be subject to the approval of said department; and said town may acquire by lease, purchase, gift, bequest or otherwise any appliances, works, tools, machinery and other equipment that may be necessary or expedient in carrying out this act. The town may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, stand-pipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment of complete and effective water works; and for that purpose may construct pipe lines, wells and reservoirs, and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works, over or under any lands, water courses, railroads, railways and public or other ways, and along such ways, in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of said town. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. Said town may enter upon any lands for the purpose of making surveys, test pits

and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person or corporation injured in his or its property by any taking under this act or any other thing done under authority thereof may recover damages from the town under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted by said town under authority of this act.

SECTION 4. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town. Said board of water commissioners may establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under this act, other than expenses of maintenance and operation, may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Boylston Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section five; and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works or the purchasing of water and the maintenance of its water lines, as the case may be, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, stand-pipe, aqueduct, pipe or other property owned, held or used by said town under the authority and for any of the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recov-

ered in an action of tort; and, upon conviction of any of the above wilful or wanton acts, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than six months.

SECTION 8. Said town, after the acceptance of this act, shall elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of said town, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at the annual town meeting held on the day on which the shortest of such terms expires, and at each annual town meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, except sections five and six, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said town or until another person is qualified.

SECTION 9. Said board of water commissioners shall fix just and equitable prices and rates for the use of water and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 10. This act shall take full effect upon its acceptance by a majority of the voters of the town of Boylston present and voting thereon at a town meeting called for the purpose within four years after its passage, but not otherwise.

Approved October 15, 1941.

Chap. 652 AN ACT WITH RESPECT TO THE CLASSIFICATION AND TAXATION OF FOREST LANDS AND FOREST PRODUCTS.

Emergency
preamble.

Whereas, The deferment of the operation of this act for ninety days after its passage would postpone its operation until after January first, nineteen hundred and forty-two, and thereby would give rise to doubt and confusion as to the method of taxation of land which on said January first was subject to taxation under chapter fifty-nine of the General Laws and thereafter became subject to taxation under this act, and would either cause inconvenience in the classification of such land under this act or defer such classification for an inconveniently long period, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 61,
stricken out
and new chap-
ter 61, inserted.

SECTION 1. The General Laws are hereby amended by striking out chapter sixty-one, as amended, and inserting in place thereof the following chapter: —

CHAPTER 61.

CLASSIFICATION AND TAXATION OF FOREST LANDS AND FOREST PRODUCTS.

Classification
of forest land.
Hearings, etc.

Section 1. All forest land, not used for grazing and other purposes incompatible with forest production, having a value not in excess of twenty-five dollars per acre for land and growth thereon, shall be tentatively listed by the assessors as classified forest land; provided, that the owner, by written notification filed with the assessors within thirty days after he has been notified that the land has been listed as classified forest land as hereinafter provided, may elect not to have his land so classified, and in such event such land shall continue to be assessed under chapter fifty-nine and not under this chapter; but such election shall not prevent the listing of the land as classified forest land in a subsequent year, subject to similar right of election. If after such listing and notification by the assessors the owner does not exercise his right of election as herein provided, the land tentatively listed as classified forest land shall be deemed to be classified forest land as of January first in the year of classification and shall thereafter continue as such until withdrawn as provided in section six. Classified forest land shall be exempt from taxation under chapter fifty-nine but shall be subject to the taxes provided in section two of this chapter. If a single parcel or tract of land consists in part of forest land and in part of other land, the portion consisting of forest land, if it comprises at least three acres in area and conforms to the foregoing requirements, shall be listed as classified forest land, and the remainder of the tract shall be subject to taxation under chapter fifty-nine. Buildings

and other structures, and the land on which they are erected and necessary for their use, shall be excluded from the classified forest land.

The assessors, on or before March first of the year when land is first listed as classified forest land, shall notify the owner of the land of such listing. Such notice shall contain a description of the land classified sufficient for identification. If the owner of land is aggrieved by the failure of the assessors in any year to list land as classified forest land pursuant to this section, he may, on or before March fifteenth of such year, appeal in writing to the state forester, who shall hear the parties, determine whether such land should be listed as classified forest land, and notify the parties of his decision not later than May first. Such decision shall be final. If the state forester determines that the land should be listed as classified forest land it shall be deemed to be classified forest land as of January first in the year of classification and shall thereafter continue as such until withdrawn as provided in section six. The assessors shall annually on or before April first give written notice to each owner of record of classified forest land that he is required to make return as provided in section two.

Section 2. The owner of classified forest land shall pay a products tax of such percentage of the stumpage value of all wood or timber cut therefrom as is set forth in the following schedule; provided, that the owner may annually cut, free of tax, wood or timber from such land for his own use or for the use of a tenant of said land, not exceeding twenty-five dollars in stumpage value.

Taxation
of classified
forest lands.

Schedule — Wood and Timber Cut from Land Classified.

	Per Cent.
Less than three years	1
Three and less than six years	2
Six and less than nine years	3
Nine and less than twelve years	4
Twelve and less than fifteen years	5
Fifteen years or more	6

The owner shall annually before May first make a return under penalties of perjury in such form as shall be approved by the commissioner setting forth the amount of wood and timber cut from classified forest land during the preceding year and such other information as may be required for assessment of the foregoing tax. On the basis of such return or any other available information the assessors shall assess such tax. The owner shall also pay annually a land tax upon an adjusted valuation as hereinafter provided at the rate determined for the taxation of property under chapter fifty-nine. The adjusted valuation of classified forest land shall be the percentage of the full value of the land, including the growth thereon as of January first of each year, set forth in the following schedule; provided, that in no year shall such adjusted valuation be less than the lesser

Annual reports
of timber
cut, etc.

of (a) or (b) of this section; and provided, further, that in the ninth year following the year of classification, and thereafter, the adjusted valuation shall be the lesser of said (a) or (b):

(a) Five dollars per acre.

(b) The full value of the land including the growth thereon.

Schedule.

	Per Cent.
In the year of classification	90
In the first year following such year	80
In the second year following such year	70
In the third year following such year	60
In the fourth year following such year	50
In the fifth year following such year	40
In the sixth year following such year	30
In the seventh year following such year	20
In the eighth year following such year	10

The assessors shall assess the land tax herein imposed. Both the products tax and the land tax shall be committed to the collector for collection in the same manner as taxes assessed under chapter fifty-nine. The collector shall notify the person assessed of the amount of the tax in the manner provided in section three of chapter sixty for notification of local taxes, and in the collection of taxes under this chapter the collector shall have all the remedies provided by chapter sixty for the collection of taxes upon real estate. Taxes so assessed shall be due and payable October first of the year in which the return is required to be made and, if not paid on or before November first of the year of assessment, shall bear interest at the rate of four per cent per annum from the due date to the date of payment. Any person aggrieved by the assessment of a tax under this section may within sixty days of the date of notice of the tax apply in writing to the assessors, upon a form approved by the commissioner, for abatement thereof, and if the assessors, after hearing or otherwise, find that the tax is excessive in amount or that the person assessed is not subject thereto, they shall abate it in whole or in part accordingly. If the tax has been paid, the town treasurer shall repay to the person assessed the amount of such abatement, with interest thereon at the rate of four per cent per annum from the time when it was paid. Any person aggrieved by the refusal of the assessors to abate a tax in whole or in part under this section may appeal to the appellate tax board within thirty days after the date of notice of their decision. Any overpayment of tax determined by decision of said appellate tax board shall be reimbursed by the town treasurer with interest at the rate of four per cent per annum from the time of payment.

Determination
of tax after
failure to file
report.

Section 3. If an owner of classified forest land, having failed to file a return, or, having filed an incorrect or insufficient return, without reasonable excuse fails to file an original return or a corrected return, as the case may re-

quire, within twenty days after the giving of notice to him by the assessors of his delinquency, the assessors shall determine the amount of the products tax due and assess and commit the same at any time within two years after the date upon which the original return was due to be made. The owner may apply to the assessors for abatement and appeal from their decision as provided in section two. A tax so committed shall bear interest from October first of the year in which the original return was due to be filed.

Section 4. One tenth of the tax collected by the town under section two shall be paid to the state treasurer. Classified forest land shall not be included in the town valuation in apportioning the state and county taxes. Classified forest land shall be subject to special assessments and betterment assessments.

One tenth of tax paid to state treasurer.

Section 5. Any owner of classified forest land, who, having received the notice provided in section one, shall fail to make return as provided in section two, shall be subject to a penalty of five dollars a day during the period of delinquency, but the assessors may for cause abate such penalty in whole or in part; provided, that such penalty shall in no case exceed the amount of the products tax assessable under section two. Penalties assessed hereunder shall be added to the tax, and shall bear interest and be collectible as a part of the tax.

Penalty for failure to make return.

Section 6. When in the judgment of the assessors classified forest land has become more valuable for other uses than the production of wood or timber, or when such land shall be used for purposes inconsistent with forest production, they shall on or before December first notify the owner of their intention to withdraw said land from the operation of this chapter on the following January first and shall give the owner an opportunity to be heard upon his written request made within ten days of the date of such notice. After such hearing when requested or without hearing if no hearing is requested, the assessors shall, if still of the opinion that such land should be withdrawn from classification, assess the same as of January first, under the provisions of chapter fifty-nine and shall also assess a products tax under this chapter upon the stumpage value of the growth as of January first at the rate set forth in the schedule in section two, which last mentioned tax shall be committed as therein provided and in all respects treated as a tax assessed under said section two.

Withdrawal of land from classification, etc.

SECTION 2. This act shall take effect on January first, nineteen hundred and forty-two. Any land classified under chapter sixty-one of the General Laws as in effect immediately prior to said date shall be subject to the tax imposed by said chapter sixty-one as then in effect with respect to any wood or timber cut from such land prior to said date, but shall be free from any other liability imposed by said chapter sixty-one as then in effect.

Effective date.

Approved October 16, 1941.

Chap. 653 AN ACT FURTHER REGULATING THE TRANSPORTATION OF
PROPERTY BY MOTOR VEHICLE FOR COMPENSATION.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 25,
§ 12F, etc.,
amended.

Powers of
investigators.

SECTION 1. Section twelve F of chapter twenty-five of the General Laws, as amended by section nineteen of chapter five hundred and ninety-six of the acts of nineteen hundred and forty-one, is hereby further amended by adding at the end the following new sentence: — Said investigators and examiners, with respect to the enforcement of the laws relating to commercial motor vehicles, shall have and exercise throughout the commonwealth all the powers of constables except the service of civil processes, and of police officers, and they may serve all processes issued by the courts, or the department or the director under chapter one hundred and fifty-nine B.

G. L. (Ter.
Ed.), 159B,
§ 2, etc.,
amended.

Definition.

SECTION 2. Section two of chapter one hundred and fifty-nine B of the General Laws, as appearing in section one of chapter four hundred and eighty-three of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out the definition of "Irregular route common carrier" and inserting in place thereof the following definition: —

"Irregular route common carrier", any person who transports by motor vehicle property, or any class or classes of property, for the general public, for compensation, over irregular routes, and whose operations are conducted to or from a given point within the commonwealth and are not based upon a predetermined schedule.

G. L. (Ter.
Ed.), 159B,
§ 2, etc.,
further
amended.

Definitions.

SECTION 3. Said section two of said chapter one hundred and fifty-nine B, as so amended, is hereby further amended by striking out the definition of "Regular route common carrier" and inserting in place thereof the two following definitions: —

"Regular route common carrier", any person who transports by motor vehicle property, or any class or classes of property, for the general public, for compensation, over regular routes between designated points within the commonwealth.

"Regular routes", routes over which any person is usually or ordinarily operating any motor vehicle subject to this chapter.

G. L. (Ter.
Ed.), 159B,
§ 12, etc.,
amended.

Amendment
of certificate,
etc.

SECTION 4. Section twelve of said chapter one hundred and fifty-nine B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: — Any certificate, permit or license may, upon application of the holder thereof and after notice and hearing as provided by paragraph (b) of section three, be amended. Any permit, certificate or license, upon written application of the holder thereof to the department, may, without such notice and hearing, be revoked in whole or in part.

SECTION 5. Section fourteen of said chapter one hundred and fifty-nine B, as so appearing, is hereby amended by striking out, in the second, fifth, tenth, eleventh and seventeenth lines, respectively, the word "inspector" and inserting in place thereof, in each instance, the words: — investigator and examiner, — so as to read as follows: — *Section 14.* Every motor carrier while operating on any way when requested by an investigator and examiner of the commercial motor vehicle division of the department, who is in uniform or who displays the proper insignia of his office, shall stop and submit to said investigator and examiner all transportation documents, including bills of lading, way bills and other papers relating to his cargo which are in his possession and shall submit the cargo and other contents, if any, of his motor vehicle to such reasonable examination as may be necessary to inform the investigator and examiner of the nature and weight thereof. No such investigator and examiner shall make a detailed examination of the cargo or other contents of the motor vehicle at a place where the motor vehicle does not stop for purposes of loading or delivery, and no motor vehicle shall be unduly delayed for the purpose of weighing or be required to turn back upon or substantially to detour from the route upon which it was travelling when stopped by the investigator and examiner. Any such carrier who, personally or by his agent, violates any provision of this section shall be punished by a fine of not more than twenty-five dollars.

G. L. (Ter. Ed.), 159B, § 14, etc., amended.

Display of papers relating to cargo.
Penalty.

Approved October 16, 1941.

AN ACT REQUIRING THAT CERTAIN MUTUAL INSURANCE COMPANIES HAVING A GUARANTY CAPITAL MAKE A CERTAIN DEPOSIT WITH THE STATE TREASURER.

Chap. 654

Be it enacted, etc., as follows:

SECTION 1. Section ninety-three of chapter one hundred and seventy-five of the General Laws, as amended by section one of chapter four hundred and eighty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph: — No policy shall be issued by a mutual company formed to transact business under any one or more of the subdivisions of the sixth clause of section forty-seven until it has secured applications for insurance on risks in the commonwealth, the premiums on which shall amount to not less than one hundred thousand dollars and it has satisfied the commissioner that such premiums have been actually paid to it in full in cash, nor, if it proposes to transact business under subdivision (b) of said sixth clause, until it has also established a fully paid-up guaranty capital of not less than two hundred thousand dollars and deposited not less than two hundred thousand dollars with the state treasurer, nor, if it proposes to trans-

G. L. (Ter. Ed.), 175, § 93, etc., amended.

Issuance of policies by mutual companies.

act business under subdivision (e) of said clause, until it has also made arrangements satisfactory to the commissioner, by reinsurance, as provided in section twenty, to protect it from extraordinary losses caused by any one disaster. Such deposit may be made in the securities and subject to the limitations specified in sections sixty-three and sixty-six, or in cash or in such other securities as the commissioner may approve. Such guaranty capital shall be subject to all the provisions of section seventy-nine relative to the guaranty capital of a domestic mutual fire company, except as hereinafter and in section ninety-three D provided, and except that the maximum limitation of amount set forth in section seventy-nine shall not apply. While a company is transacting business under said subdivision (b) of said clause sixth, the provisions of section seventy-nine relative to the retirement of the guaranty capital shall not apply, nor shall the provisions of said section relative to the reduction of such capital authorize the reduction of its guaranty capital below two hundred thousand dollars. The guaranty capital shall be maintained as long as the company transacts business under said subdivision (b) of said clause sixth.

G. L. (Ter. Ed.), 175, § 185, etc., amended.

Certain deposits to be held in trust.

SECTION 2. Section one hundred and eighty-five of said chapter one hundred and seventy-five, as most recently amended by section three of chapter four hundred of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the first and second paragraphs and inserting in place thereof the two following paragraphs: — The state treasurer in his official capacity shall take and hold in trust deposits made by any domestic company for the purpose of complying with the laws of this commonwealth or of any other state or country to enable such company to do business in such state or country, and also in like manner take and hold any deposit made by a foreign company under any law of this commonwealth; provided, that bonds need not be accepted by the treasurer unless in registered form and of denominations satisfactory to him. The company making such deposit shall be entitled to the income thereof, and may from time to time, with the consent of the treasurer, when not forbidden by the law under which the deposit is made, change in whole or in part the securities composing the deposit for other approved securities of equal par value.

The state treasurer may, upon written request of any domestic company, return to it the whole or any portion of any deposit held by him on behalf of such company, if he is satisfied that the deposit or the portion thereof requested to be returned is subject to no liability and is no longer required to be held by any provision of law of this commonwealth or of any such other state or country or for the purpose of the original deposit. He shall return to any foreign company the whole or any portion of any deposit held by him on behalf of such company, upon the written order of the commissioner.

Approved October 16, 1941.

AN ACT PROVIDING FOR THE CARE AND TREATMENT OF PERSONS ADDICTED TO THE INTEMPERATE USE OF HABIT FORMING STIMULANTS OR SEDATIVES.

Chap. 655

Be it enacted, etc., as follows:

SECTION 1. Section sixty-two of chapter one hundred and twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eleventh line, the words "or stimulants" and inserting in place thereof the words: — , habit forming stimulants or sedatives, — so as to read as follows: — *Section 62.* Any of the judges named in section fifty, or a judge of the municipal court of the city of Boston, may commit to the state farm, or to any other institution under the department of correction that may be designated by the governor, to the McLean hospital, or to a private licensed institution, by an order of commitment, directed to the trustees, superintendent, or manager thereof, as the case may be, made in accordance with section fifty-one, and accompanied by a certificate, in accordance with section fifty-three, by two physicians qualified as therein provided, any male or female person, who is subject to dipsomania or inebriety either in public or private, or who is so addicted to the intemperate use of narcotics, habit forming stimulants or sedatives as to have lost the power of self-control. The judge receiving the application for such commitment shall examine on oath the applicant and all other witnesses, and shall reduce the application to writing and cause it to be subscribed and sworn to by the applicant. He shall cause a summons and copy of the application to be served upon such person in the manner provided by section twenty-five of chapter two hundred and seventy-six. Such person shall be entitled to a hearing unless after receiving said summons he shall in writing waive a hearing, in which case the judge may issue an order for his immediate commitment as aforesaid, without a hearing, if he is of opinion that the person is a proper subject for custody and treatment in the institution to which he is committed. The commitment may be made forthwith, if the examining physicians certify the case to be one of emergency. A person committed as aforesaid may be detained for two years after the date of his commitment, and no longer.

G. L. (Ter. Ed.), 123, § 62, amended.

Commitment of dipsomaniacs, etc., regulated.

Period of detention.

SECTION 2. Section one hundred and seventeen of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the tenth and eleventh lines, the words "stimulants or narcotics" and inserting in place thereof the words: — narcotics or habit forming stimulants or sedatives, — so as to read as follows: — *Section 117.* At the Massachusetts reformatory, the state farm or such other place or places as may hereafter be approved by the governor and council, there may be maintained departments to be termed departments for defective delinquents, for the

G. L. (Ter. Ed.), 123, § 117, amended.

Departments for defective delinquents and for drug addicts.

custody of persons committed thereto under sections one hundred and thirteen to one hundred and sixteen, inclusive. At any state institution under the supervision of the department of correction, there may be established and maintained, with the approval of the governor and council, departments to be termed departments for drug addicts, for the care and treatment of persons addicted to the intemperate use of narcotics or habit forming stimulants or sedatives and committed thereto under said sections. All men and boys so committed shall be committed to departments for male defective delinquents or for male drug addicts, as the case may be. All women and girls so committed shall be committed to departments for female defective delinquents or for female drug addicts, as the case may be. All such persons committed to departments for defective delinquents or for drug addicts at any institution under control of the department of correction shall be and remain in the custody of the said department until discharged as hereinafter provided.

Approved October 16, 1941.

Chap. 656 AN ACT MAKING CERTAIN CHANGES IN EXISTING LAWS IN CONNECTION WITH THE PROPOSED CHANGE IN THE FISCAL YEAR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 58, § 20, etc., amended.

SECTION 1. Section twenty of chapter fifty-eight of the General Laws, as most recently amended by section one of chapter one hundred and eight of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out, in the second line, the words "state fiscal year" and inserting in place thereof the words: — period of twelve months beginning December first of any year and ending November thirtieth of the next succeeding year, — and by striking out, in the eighth line, the word "year" and inserting in place thereof the word: — period, — so that the introductory paragraph will read as follows: — From the total taxes paid in any period of twelve months beginning December first of any year and ending November thirtieth of the next succeeding year by domestic business and domestic manufacturing corporations and foreign manufacturing and other foreign corporations under sections thirty to fifty-one, inclusive, of chapter sixty-three there shall be deducted such taxes paid under said sections as have been refunded under said chapter or section twenty-seven of this chapter during said period, together with any interest or costs paid such corporations on account of refunds. The balance shall be disposed of in the following manner and in the order named:

Distribution of business corporation taxes.

G. L. (Ter. Ed.), 29, § 5, etc., amended.

SECTION 2. Chapter twenty-nine of the General Laws is hereby amended by striking out section five, as amended by section four of chapter five hundred and two of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 5.* (1) The comptroller shall annually, on or before August fifteenth, submit

Annual statements to be filed with

to the budget commissioner statements setting forth the following facts and figures for all state purposes, except those of the metropolitan district commission: — budget commissioner by comptroller.

(a) The expenditures for the preceding fiscal year, itemized separately so as to show expenditures made from grants from the United States, trust funds and sources other than state revenue.

(b) The appropriations for the preceding fiscal year.

(c) The actual revenue for the three preceding fiscal years, itemized so as to show the sources from which received.

(d) The condition of the cash on hand, itemized separately so as to show cash derived from special revenue not available for general state purposes, cash held to meet authorizations and obligations previously made and incurred, and cash which is unencumbered and available for appropriation.

(e) The condition of the state debt.

(f) An itemized statement showing the disposition of any funds appropriated to meet emergency or unforeseen conditions.

(2) The statement submitted in each even-numbered year shall also set forth the estimates for the next two ensuing fiscal years of all expenditures for payment of claims and all other expenditures authorized by law and not required to be filed under section three.

(3) The comptroller shall annually, on or before December twenty-sixth, submit to the budget commissioner the statements required by paragraphs (1) (a) to (1) (e), inclusive, of this section, relative to the metropolitan district commission. Wherever in any of said paragraphs information is required for a fiscal year, it shall be given for the fiscal year of said commission. The comptroller shall also, on or before December twenty-sixth of each even-numbered year, submit to said commissioner the estimates for the current and next ensuing fiscal years of said commission of all expenditures for payment of claims and all other expenditures authorized by law and not required to be filed under section three.

SECTION 3. Section six of said chapter twenty-nine, as amended, is hereby further amended by striking out the sentence amended by section seven of chapter four hundred and ninety of the acts of the current year and inserting in place thereof the following sentence: — The budget shall include, for each such fiscal year, a sum, equal at least to the total amount received by the division of fisheries and game of the department of conservation, during the latest fiscal year for which complete data are available, from license and other fees and fines under the laws relating to game and inland fisheries, and also a sum equal to one half of the amount necessary for payment for personal services and other expenses for or on account of the enforcement of said laws; and said sums shall be appropriated for each such fiscal year for the general purposes of said division of fisheries and game.

G. L. (Ter. Ed.), 29, § 6, etc., amended.

Appropriations, etc., for division of fisheries and game.

G. L. (Ter.
Ed.), 29,
§ 9A, etc.,
amended.

Metropolitan
district com-
mission to
include in its
budget con-
tributions by
commonwealth
as pensions,
etc.

SECTION 4. Section nine A of said chapter twenty-nine, as amended by section seven of said chapter five hundred and two, is hereby further amended by striking out, in the third line, the word "each" and inserting in place thereof the word: — its, — by striking out, in the sixth line, the word "the" and inserting in place thereof the word: — its, — and by striking out, in the sixteenth line, the word "each" and inserting in place thereof the word: — its, — so as to read as follows: — *Section 9A.* The metropolitan district commission shall include in its budget estimates for each of the functions under its control for the first fiscal year of its biennium, an item covering the amounts contributed by the commonwealth as pensions under sections one to five A, inclusive, of chapter thirty-two during its preceding fiscal year on account of the death or retirement of employees, officers and officials formerly employed in the performance of such function, including, in the case of those whose services cannot be entirely allocated to any one function, those parts of such amounts properly allocable to such function and also including as employed in the performance of its water function those employed by the metropolitan district water supply commission. The metropolitan district commission shall include in its estimates for the second fiscal year of its biennium an estimate of the amounts that will be contributed by the commonwealth as aforesaid in the first fiscal year of such biennium. The amount of such item, as appropriated by the general court, shall be assessed upon the proper district as a part of the cost of maintenance of such function; provided, that, in the case of employees, officers and officials formerly employed in the performance of its boulevard functions, only one half the amounts contributed by the commonwealth as pensions as aforesaid shall be so included and assessed. After an appropriation has been made covering each such item, the amount thereof shall be approved for payment by the metropolitan district commission as a part of the cost of maintenance of the function for which the estimates were made and shall be credited to the general revenue of the commonwealth.

G. L. (Ter.
Ed.), 29,
§ 10, etc.,
amended.

Expenditures
of metropoli-
tan district
commission,
etc.

SECTION 5. Said chapter twenty-nine is hereby further amended by striking out section ten, as amended by section eight of said chapter five hundred and two, and inserting in place thereof the following section: — *Section 10.* The metropolitan district commission may continue expenditures in the first fiscal year of its biennium at the rate authorized by appropriations for the preceding fiscal year thereof, until the general court makes an appropriation therefor or provides otherwise.

G. L. (Ter.
Ed.), 29,
§ 11, etc.,
amended.

SECTION 6. Section eleven of said chapter twenty-nine, as amended by section nine of said chapter five hundred and two, is hereby further amended by striking out, in the fourth, fifth and sixth lines, the words "at the rate authorized by appropriations for the first fiscal year of the preceding biennium", — so as to read as follows: — *Section 11.* The state

treasurer shall make advances to members of the senate and house of representatives on account of compensation due for services and traveling expenses in accordance with existing laws, until the general court makes an appropriation therefor or provides otherwise.

Advances to members of general court.

SECTION 7. Section twenty-five of said chapter twenty-nine, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh line, the words "December first in each" and inserting in place thereof the following: — the close of the fiscal, — so as to read as follows: — *Section 25.* Such officers shall, within thirty days after receipt of an advance, file with the comptroller a detailed statement of the amounts expended subsequent to the previous accounting, approved by the officer or department authorized to supervise such expenditure, with vouchers therefor if they can be obtained. All advances so made shall be accounted for and vouchers therefor filed with the comptroller before the close of the fiscal year.

G. L. (Ter. Ed.), 29, § 25, amended.

Statement of advances to be made to comptroller.

SECTION 8. Section twenty-six of said chapter twenty-nine, as amended by section twelve of said chapter five hundred and two, is hereby further amended by striking out, in the eleventh and twelfth lines, the words "on or before December fifteenth in each" and inserting in place thereof the words: — within fifteen days following the close of each fiscal year ending in an, — so as to read as follows: — *Section 26.* Expenses of offices and departments for compensation of officers, members and employees and for other purposes shall not exceed the appropriations made therefor by the general court. No obligation incurred by any officer or servant of the commonwealth for any purpose in excess of the appropriation for such purpose for the office, department or institution which he represents, shall impose any liability upon the commonwealth. If expenditures are made in excess of appropriations, the officer having charge of such expenditures shall, within fifteen days following the close of each fiscal year ending in an even-numbered year, report to the comptroller the details thereof with the reasons therefor, and he shall make a special report of the same to the general court early in its next regular session.

G. L. (Ter. Ed.), 29, § 26, etc., amended.

Expenditure not to exceed appropriations.

Report of excessive expenditures.

SECTION 9. Section twenty-seven of said chapter twenty-nine, as amended by section thirteen of said chapter five hundred and two, is hereby further amended by striking out all after the word "court" in the sixth line, — so as to read as follows: — *Section 27.* Notwithstanding any other provision of general law, no officer or board shall incur a new or unusual expense, make a permanent contract, increase a salary or employ a new clerk, assistant or other subordinate, unless a sufficient appropriation to cover the expense thereof has been made by the general court.

G. L. (Ter. Ed.), 29, § 27, etc., amended.

Expenses and increases regulated.

SECTION 10. Said chapter twenty-nine is hereby further amended by striking out section fifty, as amended by section fifteen of said chapter five hundred and two, and inserting in place thereof the following section: — *Section 50.*

G. L. (Ter. Ed.), 29, § 50, etc., amended.

Amounts for payments of bonds, etc., to be included in state tax.

The state treasurer shall in December preceding the regular biennial session of the general court certify to the budget commissioner the amount necessary to be included in the state tax for each year of the biennium beginning on July first following, to provide for serial payments of any bonds or scrip of the commonwealth, and each such amount shall be included in the state tax for the year for which it is so certified.

G. L. (Ter. Ed.), 30, § 28, amended.

SECTION 11. Chapter thirty of the General Laws is hereby amended by striking out section twenty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 28.* All books and accounts of all offices, departments, boards, commissions and institutions of the commonwealth shall be kept by the fiscal year established for them, respectively, by clause ninth of section seven of chapter four.

Books, etc., to be kept by fiscal year.

G. L. (Ter. Ed.), 30, § 47, amended.

SECTION 12. Section forty-seven of said chapter thirty, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — No increase in a salary of an officer or employee of the metropolitan district commission exceeding or to exceed one thousand dollars, authorized under this section between December first and May thirty-first, both inclusive, in any year shall take effect until June first following or such later date as may be fixed by the commission, with the approval of the said division or the governor and council.

Increases in salary in metropolitan district commission.

G. L. (Ter. Ed.), 121, § 40, amended.

SECTION 13. Section forty of chapter one hundred and twenty-one of the General Laws, as so appearing, is hereby amended by striking out, in the fourth line, the word "November" and inserting in place thereof the word: — June, — and by striking out, in the fifth line, the word "December" and inserting in place thereof the word: — July, — so as to read as follows: — *Section 40.* The trustees of every institution under the supervision of the department shall annually cause an accurate inventory of the stock and supplies on hand, and the value and amount thereof at the institution, to be made on the thirtieth day of June, and to be sent to the department on or before the third Wednesday in July.

Annual inventories of stocks and supplies, etc.

G. L. (Ter. Ed.), 123, § 15, amended.

SECTION 14. Section fifteen of chapter one hundred and twenty-three of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the word "November" and inserting in place thereof the word: — June, — so as to read as follows: — *Section 15.* The commissioner shall make an annual report containing an accurate account of the receipts and expenditures for each separate state hospital, an inventory of the property thereof on June thirtieth, and a statement of the market value of any products of such state hospital, and of the labor, if any, performed by the inmates thereof. It may also contain information embodying the experience of this and other countries relative to the best and most successful methods of caring for such persons as come under the supervision of the department.

Annual reports of receipts and expenditures of state hospitals, etc.

The commissioner shall also make an annual report relative to the condition and needs of each state hospital.

SECTION 15. Section ten of chapter one hundred and twenty-seven of the General Laws, as amended by section three of chapter twenty-three of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the first line, the word "January" and inserting in place thereof the word: — August, — also by striking out, in the sixteenth line, the word "November" and inserting in place thereof the word: — June, — so as to read as follows: — *Section 10.* Annually, on or before August fifteenth, the warden of the state prison, the superintendents of the Massachusetts reformatory, of the reformatory for women, of the state prison colony and of the state farm, and sheriffs, county commissioners and the penal institutions commissioner of Boston, shall make a report to the commissioner of the salaries of prison officers, of the number and cost of support of prisoners, and of such other details relative to the management and discipline of the several prisons as the commissioner may prescribe. The warden or superintendent shall also include in his report the amount of liabilities and outstanding claims of said institutions, the names of their debtors and creditors, the amounts due to or from each and when they are payable, detailed accounts of expenditures for the prisons for the year ending the preceding thirtieth day of June, the cost of all changes made in the buildings thereof, the names, position, pay and allowances of every officer or employee thereof, the average cost of the support of each prisoner, the number of volumes in the library of each prison, and such other facts relative to said prisons as the commissioner considers proper. An officer who refuses or neglects to make such report at the time prescribed or who withholds it after said date shall forfeit one dollar for each day's neglect, which shall be deducted from his salary or compensation at the first monthly payment after his default has been reported to the proper auditing or disbursing officer.

G. L. (Ter. Ed.), 127, § 10, etc., amended.

Penal institutions, etc., to make annual reports as to costs, etc.

SECTION 16. For the purpose of financing the maintenance of departments, boards, commissions, institutions and activities of the commonwealth during the period beginning December first, nineteen hundred and forty-two and ending June thirtieth, nineteen hundred and forty-three, the same being the transitory period between the end of the current fiscal biennium and the beginning of the new fiscal biennium established by section one of chapter five hundred and nine of the acts of the current year, expenditures are hereby authorized based on the appropriations for the fiscal year ending on November thirtieth, nineteen hundred and forty-two, or, in the case of biennially recurring expenditures required by law to be made during said period, on the appropriations for the fiscal year ending November thirtieth, nineteen hundred and forty-one, and are to be made in accordance with the following provisions: —

Expenditures during transitory period.
Regulation for.

(a) That no officer, department, board or commission having charge or supervision of expenditures on behalf of the commonwealth shall incur expenses during said transitory period for any purpose in excess of the amount actually expended for such purpose during the corresponding period of the fiscal year ending November thirtieth, nineteen hundred and forty-two, or November thirtieth, nineteen hundred and forty-one, as the case may be, out of the appropriations for said fiscal year, except that during said period the department of public welfare may reimburse cities and towns for the payment of suitable aid to dependent children to an amount not exceeding the sum of one million nine hundred thousand dollars, in addition to the amount of any unexpended balances of appropriations theretofore made for the purpose;

(b) That during said period no department, board, commission or officer shall incur a special or unusual expense beyond the amount sufficient for normal operation except in case of emergency;

(c) That, with the approval of the governor and council, the department of public works, during said period, may make contracts for the construction and reconstruction of state highways to such aggregate amount as may be necessary to enable said department to secure under the Hayden-Cartwright act, so called, the federal grant for the period expiring June thirtieth, nineteen hundred and forty-three, but in no event exceeding one million nine hundred and forty-six thousand three hundred and forty-five dollars;

(d) The limitations on expenditures set forth in this section shall not prevent transfers from being made by the comptroller in accordance with existing law;

(e) This section shall not apply to the metropolitan district commission, or to the metropolitan district water supply commission established by section one of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six.

Application
of act.

SECTION 17. Sections two to fifteen, inclusive, of this act shall apply with respect to the fiscal biennium beginning on July first, nineteen hundred and forty-three and each biennium thereafter, but not with respect to the current biennium.

Approved October 17, 1941.

Chap. 657 AN ACT RELATIVE TO THE REMOVAL OF SNOW AND ICE FROM PRIVATE WAYS OPEN TO THE PUBLIC USE IN THE CITY OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. The city of Leominster may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council of said city; provided, that for the purposes of section twenty-five of chapter eighty-four of the General Laws, the removal of snow or ice from such a way shall not constitute a repair of a way.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Leominster at the city election in said city in the current year in the form of the following question which shall be placed on the official ballot to be used at said election: — "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act relative to the removal of snow and ice from private ways open to the public use in the city of Leominster', be accepted?" If a majority of the voters of said city vote in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved October 17, 1941.

AN ACT PROVIDING FOR ONE DAY OFF IN EVERY SIX DAYS FOR MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION.

Chap. 658

Be it enacted, etc., as follows:

SECTION 1. Section sixty-two of chapter ninety-two of the General Laws, as amended by chapter three hundred and ninety-six of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the fourth line, the word "seven" and inserting in place thereof the word: — six, — so as to read as follows: — *Section 62.* Members of the police force of the commission shall be excused from duty without loss of pay for a number of days in each year equal to one day in every six days, such days off to be assigned by the commission or by the chief of said force acting under its direction.

G. L. (Ter. Ed.), 92, § 62, etc., amended.

Days off for police.

SECTION 2. This act shall not become effective until the date upon which the President of the United States shall have, by proclamation or otherwise, declared the present unlimited national emergency to be at an end.

When act takes effect.

Approved October 17, 1941.

AN ACT CEDING RIGHTS AND JURISDICTION TO THE UNITED STATES OF AMERICA OVER CERTAIN LAND IN BOSTON HARBOR.

Chap. 659

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to further co-operate with the federal government without delay in national defense in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of enabling the United States of America to extend a shipbuilding dock and wooden service pier at the Boston Navy Yard in Boston harbor, the commonwealth, subject to the conditions hereinafter imposed, hereby grants and cedes to the United States of America

jurisdiction over and all right and claim of the commonwealth to that portion of land covered by navigable water lying outboard of the exterior line described in section one of chapter four hundred and ninety of the acts of nineteen hundred and thirty-eight described as follows: beginning at a point in the line, defined in said chapter four hundred and ninety as extending from the intersection of the pierhead and bulkhead lines of eighteen hundred and ninety-eight and nineteen hundred and eighteen, S 8° 23' 12.6" E a distance of seven hundred five and two tenths feet to a point in Mystic river, said point being S 8° 23' 12.6" E four hundred eighty-one and seven tenths feet from said intersection, thence S 40° 14' 25" E a distance of one hundred fourteen and forty-six hundredths feet to a point, thence S 17° 10' 29.6" W a distance of one hundred forty feet to a point at an angle in the line described in said chapter four hundred and ninety thence N 8° 23' 12.6" W a distance of two hundred twenty-three and fifty-two hundredths feet to the point of beginning, containing six thousand seven hundred fifty-one square feet more or less.

SECTION 2. Jurisdiction over said land is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over the land so acquired, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said land and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been granted; and provided, that title to and the exclusive jurisdiction over, said land shall revert to and revest in the commonwealth whenever said land shall cease to be used for the purposes set forth in section one.

SECTION 3. The United States government is hereby authorized to fill said land and to place such structures in or over said land as may be necessary for the purposes set forth in section one in accordance with plans to be filed with and approved by the state department of public works.

Approved October 17, 1941.

Chap. 660 AN ACT RELATIVE TO THE CONSTRUCTION OF A BRIDGE OVER THE ANNISQUAM RIVER IN THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

Chapter six hundred and thirteen of the acts of the current year is hereby amended by striking out, in the sixth and seventh lines, the words "the entire cost of such work shall be met substantially out of funds made available by the federal government" and inserting in place thereof the following: — no work shall be begun until the federal govern-

ment has made available not less than fifty per cent of the entire cost of the project and the general court has appropriated a sufficient sum to pay the state's share of the cost, — so as to read as follows: — The department of public works is hereby authorized to construct over the Annisquam river in the city of Gloucester, at such site and of such type and dimensions as said department determines, a new high level bridge, with or without a draw, together with the necessary approaches thereto; provided that no work shall be begun until the federal government has made available not less than fifty per cent of the entire cost of the project and the general court has appropriated a sufficient sum to pay the state's share of the cost.

Approved October 17, 1941.

AN ACT REGULATING THE LICENSING BY THE DEPARTMENT *Chap. 661*
OF PUBLIC HEALTH OF HOSPITALS AND SANATORIA.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and eleven of the General Laws is hereby amended by striking out sections seventy-one to seventy-three, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the four following sections: — *Section 71.* The department shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any person whom it deems suitable and responsible to establish or maintain a hospital or sanatorium which meets the requirements of the department established in accordance with its rules and regulations; provided, that the local board of health shall first certify to the department that, from its inspection and examination of said proposed hospital or sanatorium, it is suitable for the purpose; and provided, further, that any person aggrieved by the refusal of the local board of health so to certify may in writing appeal to the department, whereupon the commissioner and the council shall hold a public hearing and thereafter may modify, affirm or reverse the action of the local board of health. Nothing in this section or in sections seventy-two to seventy-three, inclusive, shall be construed to revoke, supersede or otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning, registration or maintenance of hospitals or sanatoria. Upon written request by an applicant for or holder of such a license who is aggrieved by the refusal to issue such a license or by the revocation of such a license, as the case may be, the commissioner and the council shall hold a public hearing after due notice and thereafter may modify, affirm or reverse the action of the department. In no case shall the revocation of such a license take effect in less than thirty days after written notification by the department to the hospital or sanatorium concerned. The fee for the issue or renewal of each license shall be ten

G. L. (Ter. Ed.), 111, §§ 71-73, stricken out and four new sections inserted.

Licensing of hospitals and sanatoria.

Hearings, fees, etc.

Definitions.

dollars. For the purposes of this section and sections seventy-two to seventy-three, inclusive, a hospital or a sanatorium is defined as any institution, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for persons admitted thereto for purposes of diagnosis or medical or surgical treatment which is rendered within said institution, except an institution caring exclusively for cases of mental diseases and licensed by, or under the general supervision of, the department of mental health.

Department
to make rules
and regula-
tions.

Section 72. The department shall classify, and shall promulgate rules and regulations for the conduct of, hospitals and sanatoria. Such rules and regulations shall include minimum requirements for fire protection, diagnostic and therapeutic facilities for the study, diagnosis and treatment of patients, the keeping of proper medical records, and, in addition, such minimum requirements for any maternity hospital or ward as are necessary for the identification and protection of infants born therein. Both the department and the board of health of the city or town wherein any portion of such hospital or sanatorium is located may visit and inspect such institution at any time.

Advisory com-
mittee on
hospitals and
sanatoria.

Section 72A. The department shall appoint an advisory committee on hospitals or sanatoria, to consist of representatives of the medical profession, hospital administrators and hospital trustees, who shall serve at the pleasure of the department; two of such positions shall at all times be filled by persons appointed upon recommendation of the Massachusetts Hospital Association. Said committee shall advise the department in any matter pertaining to sections seventy-two to seventy-three, inclusive. Members of said committee shall serve without compensation, but shall receive the necessary traveling expenses incurred by them in the performance of their duties. Said committee shall meet not less than twice a year, and other meetings may be called by the department on proper notice.

Penalty.

Section 73. Whoever establishes or maintains, or is concerned in establishing or maintaining, a hospital or sanatorium, or is engaged in any such business, without a license granted under section seventy-one, or whoever being licensed under said section violates any provision of sections seventy-one to seventy-three, inclusive, or any rule or regulation made under section seventy-two, shall for a first offence be punished by a fine of not more than five hundred dollars, and for a subsequent offence by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Rights of
present
licensees
protected.

SECTION 2. Any person who, upon the effective date of this act, is licensed by the department of public welfare under section seventy-one of chapter one hundred and eleven of the General Laws to establish or keep a maternity hospital, hospital ward or other place referred to in said section may, subject to prior revocation by the department

of public health for cause, continue to operate such hospital, ward or place until the expiry date of his license or until July first, nineteen hundred and forty-two, whichever is the shorter period of time.

Approved October 20, 1941.

AN ACT PROVIDING FOR THE MAKING AND KEEPING OF
MICROPHOTOGRAPHIC RECORDS AND THE USE IN EVIDENCE
OF PHOTOGRAPHIC AND MICROPHOTOGRAPHIC RECORDS AND
COPIES. Chap. 662

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty-six of the General Laws is hereby amended by striking out section three, as amended by chapter three hundred and five of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following section: — *Section 3.* The word "record" in this chapter shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan. All written or printed public records shall be entered or recorded on paper made of linen rags and new cotton clippings, well sized with animal sizing and well finished, and preference shall be given to paper of American manufacture marked in water line with the name of the manufacturer. All photographs, microphotographs, maps and plans which are public records shall be made of materials approved by the supervisor of records. Public records may be made by handwriting, or by typewriting, or in print, or by the photographic process, or by the microphotographic process, or by any combination of the same. When the photographic or microphotographic process is used, the recording officer, in all instances where the photographic print or microphotographic film is illegible or indistinct, may make, in addition to said photographic or microphotographic record, a typewritten copy of the instrument, which copy shall be filed in a book kept for the purpose. In every such instance the recording officer shall cause cross references to be made between said photographic or microphotographic record and said typewritten record. If in the judgment of the recording officer an instrument offered for record is so illegible that a photographic or microphotographic record thereof would not be sufficiently legible, he may, in addition to the making of such record, retain the original in his custody, in which case a photographic or other attested copy thereof shall be given to the person offering the same for record, or to such person as he may designate.

G. L. (Ter. Ed.), 66, § 3, etc., amended.

"Record" defined.

Quality of paper required, etc.

Photographic processes, when authorized, etc.

Subject to the provisions of sections one and nine, a recording officer adopting a system which includes the photographic process or the microphotographic process shall thereafter cause all records made by either of said processes to be inspected at least once in every three years, correct any fading or otherwise faulty records and make report of such inspection and correction to the supervisor of records.

G. L. (Ter. Ed.), 233, new § 79A, inserted.

Photographic copies as evidence.

SECTION 2. Chapter two hundred and thirty-three of the General Laws is hereby amended by inserting after section seventy-nine, as amended, the following new section:—*Section 79A.* Copies of public records, of records described in sections five, seven and sixteen, respectively, of chapter sixty-six, and of records of banks, trust companies and hospitals, whether or not such records are made by the photographic or microphotographic process, shall, when duly certified by the person in charge thereof, be admitted in evidence equally with the originals.

Approved October 20, 1941.

Chap. 663 AN ACT FURTHER DEFINING THE WORDS "BIRDS" AND "MAMMALS" IN THE LAWS RELATING TO INLAND FISHERIES, BIRDS AND MAMMALS.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat one of its purposes, which is to make the changes made by it in section one of chapter one hundred and thirty-one of the General Laws take effect simultaneously with the revision of said chapter contained in section two of chapter five hundred and ninety-nine of the acts of the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

"Birds" defined.

SECTION 1. Section one of chapter one hundred and thirty-one of the General Laws, as appearing in section two of chapter five hundred and ninety-nine of the acts of nineteen hundred and forty-one, is hereby amended by striking out the definition of "Birds" and inserting in place thereof the following definition:—"Birds", wild or undomesticated birds.

"Mammals" defined.

SECTION 2. Said section one, as so appearing, is hereby further amended by striking out the definition of "Mammals" and inserting in place thereof the following definition:—"Mammals", wild or undomesticated mammals.

Effective date.

SECTION 3. This act shall become effective on January first, nineteen hundred and forty-two.

Approved October 21, 1941.

Chap. 664 AN ACT LIMITING THE NUMBER OF SPECIAL JUSTICES OF CERTAIN DISTRICT COURTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 218, § 6, amended.

Special justices.

SECTION 1. Section six of chapter two hundred and eighteen of the General Laws is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:—Each district court, except the municipal court of the city of Boston, shall consist of one justice and one special justice.

SECTION 2. This act shall not affect the tenure of office of any special justice in office upon its passage. No vacancy in said office in any district court subject to this act, whether existing before its passage or occurring thereafter, shall be filled at any time when there is one special justice of such court in office. Exoeption.

SECTION 3. This act shall take effect upon its passage. Effective date.
Approved October 21, 1941.

AN ACT PROVIDING FOR THE ACQUISITION AND IMPROVEMENT OF CERTAIN PROPERTIES IN DRACUT AS AN ADDITION TO THE LOWELL-DRACUT STATE FOREST. Chap.665

Be it enacted, etc., as follows:

The commissioner of conservation is hereby authorized to acquire by purchase, gift or otherwise, subject to chapter one hundred and thirty-two of the General Laws, except the provision limiting the cost per acre of land so acquired, a tract of land with the buildings thereon situated in the town of Dracut adjoining the present state forest boundaries, comprising not more than ninety-five acres, at a cost to the commonwealth of not exceeding seventy-five hundred dollars for acquisition of said property; and for improvements thereon said commissioner may expend an additional sum not exceeding twenty-five hundred dollars.

Approved October 21, 1941.

AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF AMERICA OF CERTAIN LANDS FOR THE PURPOSES OF THE VETERANS' ADMINISTRATION FACILITY IN THE TOWN OF BEDFORD. Chap.666

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the acquisition by the United States of America, by purchase or condemnation, for use as an addition to the reservation of the Veterans' Administration Facility in the town of Bedford, of a certain tract of land situated in said town and formerly owned by Sarah J. F. Brown, and of certain additional lands formerly owned by the Estate of William Richardson Hayden, Arthur H. Hayden, trustee, bounded and described as follows: —

Parcel 1 (Brown tract): Beginning at a point in the east line of Spring road, sometimes called Springs road, said point being the southwest corner of the Hayden property, and running thence north seventy-three degrees, thirteen minutes east along the Hayden property, a distance of two hundred sixteen feet to a point; thence south one degree, two minutes, fifty-five seconds west along the aforementioned Hayden property, a distance of two hundred seven and eight tenths feet to a point in the boundary line of the Veterans'

Administration Facility; thence south sixty-two degrees, two minutes, fifteen seconds west along the Veterans' Administration Facility property a distance of one hundred fifty-seven and thirty-three one hundredths feet to a point in the east line of the aforementioned Spring road; thence in a northwesterly direction along the east line of Spring road approximately two hundred and sixty feet to the point of beginning, containing in all approximately one acre.

Parcel 2 (Hayden property west of Spring road): Beginning at a point on the easterly side line of the Boston and Maine Railroad at station 89+38.5 which is sixteen and five tenths feet from the center line of the Boston and Maine Railroad location, running south sixty-six degrees, fifty-two minutes, thirty-five seconds east, fifteen and two one hundredths feet to a point; thence south sixty-eight degrees, twenty minutes, fifteen seconds east, one hundred and nineteen and seventy-seven one hundredths feet to a point; thence south sixty-four degrees, fifty minutes, forty seconds east one hundred and twenty-eight and seventy-five one hundredths feet to a point; thence south fifty-four degrees, sixteen minutes, ten seconds east, one hundred thirty-six and four tenths feet to a point; thence south fifty-seven degrees, forty-one minutes, forty-five seconds east thirty-five feet to the westerly side line of Spring road; thence north along the westerly side line of Spring road four hundred and eight and sixty one hundredths feet to a point; thence northeasterly along the westerly side line of Spring road, two hundred and forty-four and eighty one hundredths feet to a point; thence north sixty-nine degrees, thirty minutes, fifty-one seconds west about three hundred and twenty feet to the easterly side line of the Boston and Maine Railroad; thence south twenty degrees, twenty-nine minutes, nine seconds west about five hundred and ninety-five feet to the point of beginning; containing about five acres.

Parcel 3 (Hayden property east of Spring road): Beginning at a point on the easterly side line of Spring road, and the northerly line of Sarah J. F. Brown, running north seventy-three degrees, thirteen minutes east, two hundred and sixteen feet to a point; thence turning and running south one degree, two minutes, fifty-five seconds west two hundred and seven and eighty one hundredths feet to land of the Veterans' Administration Facility; thence turning and running north fifty-seven degrees, forty-four minutes, ten seconds east two hundred and twenty-two and seven tenths feet to an angle point; thence turning and running north forty-two degrees, twenty-three minutes, forty-four seconds east, five hundred and ninety-nine and thirty-five one hundredths feet to a point; thence running northwesterly about nine hundred and five feet to the easterly side line of Spring road; thence running southwesterly along the easterly side line of Spring road two hundred and thirty and sixty one hundredths feet to a point; thence running south along the easterly side line of Spring road four hundred and

four and two tenths feet to an angle point; thence south along the easterly side line of Spring road one hundred and thirteen and thirty one hundredths feet to an angle point; thence running southeasterly along the easterly side line of Spring road two hundred and thirteen and eighty one hundredths feet to the point of beginning, containing about eleven and seven tenths acres.

There is expressly excluded from each of said parcels any part of the fee and soil of said Spring road.

SECTION 2. Jurisdiction over the above described lands is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, insofar that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said lands and all processes for collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been granted; provided, that the exclusive jurisdiction in and over such lands shall revert to and revest in the commonwealth whenever such lands shall cease to be used for the purpose set forth in section one.

SECTION 3. This act shall take full effect upon the filing in the office of the state secretary of a suitable plan of the lands described in section one, but not otherwise.

Approved October 21, 1941.

AN ACT AUTHORIZING THE CITY OF HOLYOKE TO USE *Chap. 667*
 MACKENZIE FIELD, SO CALLED, FOR PLAYGROUND AND
 ATHLETIC FIELD PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Holyoke is hereby authorized to use for the purposes of a public playground, under the provisions of section fourteen of chapter forty-five of the General Laws, Mackenzie Field, so called, a public park located in said city. The parks and recreation commission of said city may set apart and enclose for use as an athletic field such portion of said park as said commission may designate, and, subject to such terms and conditions as they may impose, may allow such field to be used for athletic games and other entertainments of a public nature, to which an admission fee may be charged.

SECTION 2. This act shall take effect upon its passage.

Approved October 22, 1941.

Chap. 668 AN ACT AUTHORIZING THE TOWN OF BEDFORD TO FURNISH WATER TO CERTAIN INHABITANTS OF THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

SECTION 1. The town of Bedford may furnish water from its water system, for domestic and fire prevention purposes, under such terms and conditions as may be agreed upon by said town and the town of Billerica, to residents of said town of Billerica whose property abuts Dudley road in Bedford and Dudley road in Billerica, hereinafter referred to as abutters, within a distance of six hundred feet from the present end of the water main of said town of Bedford on Dudley road at the Bedford-Billerica town line; and for said purposes said town of Bedford may take by eminent domain under chapter seventy-nine of the General Laws, such lands, water courses, rights of way and easements as may be necessary and may lay conduits and pipes and construct other necessary works over, under or across any such lands or water courses, and over, under or across any public or private ways in said town of Billerica, and may dig up public and private ways in said town of Billerica without unnecessarily obstructing the same. No work shall be done under authority of this act affecting a state highway except with the prior approval of, and subject to such terms and conditions as may be prescribed by, the state department of public works. No conduits or pipes shall be laid or work constructed under authority of this act in said town of Billerica except such as are necessary for the supply of water for the use of abutters on Dudley road, and no connection shall be made to said conduits or pipes in said town of Billerica other than for supplying such persons. All work done in said town of Billerica under authority of this act, except such work as affects a state highway, shall be subject to the prior approval, and shall be done under the direction, of the selectmen of said town of Billerica.

Said town of Bedford may appropriate and expend such sums as may be necessary for the aforesaid purpose.

Said town of Bedford may contract in writing with any abutters on Dudley road relative to the quantity of water to be supplied or purchased as aforesaid, the method of measuring the same, the price to be paid therefor, and all other matters incidental thereto.

SECTION 2. This act shall take full effect upon its acceptance, at any annual or special town meeting, by the inhabitants of the town of Bedford and Billerica, respectively, but not otherwise.

Approved October 22, 1941.

AN ACT AUTHORIZING CONTRIBUTIONS BY THE COUNTY OF
BARNSTABLE FOR THE CONSTRUCTION OF SEA WALLS OR
OTHER FORMS OF SHORE PROTECTION FOR TOWNS IN SAID
COUNTY. *Chap. 669*

Be it enacted, etc., as follows:

SECTION 1. The county of Barnstable is hereby authorized to contribute to the cost of constructing sea walls or other works to be built by the state department of public works during the years nineteen hundred and forty-one, nineteen hundred and forty-two, nineteen hundred and forty-three and nineteen hundred and forty-four under section eleven of chapter ninety-one of the General Laws for the protection of the shores of the towns in said county from erosion by the sea, and the treasurer of said county, with the approval of the county commissioners, may pay the county's proportion of such cost from the highway appropriation or, for the purpose of so contributing, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Shore Protection Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell such securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under section one, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by said section. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 3. Chapter two hundred and seventy-five of the acts of nineteen hundred and thirty-three, and acts in amendment thereof, are hereby repealed, but such repeal shall not affect any bonds or notes issued under said chapter two hundred and seventy-five or any amendment thereof and then outstanding.

SECTION 4. This act shall take effect upon its passage.

Approved October 22, 1941.

Chap. 670 AN ACT MAKING CERTAIN CHANGES IN THE LAWS RELATIVE
TO CONTRIBUTORY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 32,
§ 4 (1) (a),
etc., amended.

Retirement
for super-
annuation.

SECTION 1. Paragraph (1) (a) of section four of chapter thirty-two of the General Laws, as appearing in section one of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the third line, the words "less than thirty nor", — so as to read as follows: — (1) (a) Subject to sections two A, four G and four H, a member shall be retired for superannuation in not more than ninety days after he has filed with the board an application therefor; provided, either that he has completed thirty-five years of creditable service, or that he has attained age sixty and has completed not less than fifteen years of creditable service.

G. L. (Ter.
Ed.), 32,
§ 21 (1) (a),
etc., amended.

SECTION 2. Subdivision (1) of section twenty-one of said chapter thirty-two is hereby amended by striking out paragraph (a), as most recently amended by section one of chapter one hundred and fifty-eight of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following paragraph: —

Employees
under fifty-five
years of age.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, enters the service of the county or hospital district after the date on which the system becomes operative therein shall thereupon become a member of the system. This paragraph shall not apply to transient employees nor to persons appointed or employed for a stated period of three months or less, but shall apply to persons appointed or employed on a permanent basis or for a period of probation before their appointment or employment is made permanent, and to persons appointed or employed on a temporary basis without specific termination date.

G. L. (Ter.
Ed.), 32,
§ 21 (1) (e),
etc., amended.

SECTION 3. Section twenty-one of said chapter thirty-two is hereby amended by striking out paragraph (1) (e), as appearing in section one of chapter four hundred of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following paragraph: —

Other retire-
ment systems,
etc., excluded.

(e) Except as provided in sections thirty-seven D and thirty-seven G, no member shall receive any pension or retirement allowance from any other pension or retirement system supported wholly or in part by public funds, or be required to make contribution to any other such pension or retirement system, anything to the contrary in any general or special law notwithstanding.

G. L. (Ter.
Ed.), 32,
§ 21 (1) (f),
etc., stricken
out.

SECTION 3A. Said subdivision (1) of said section twenty-one is hereby further amended by striking out paragraph (f), inserted by section two of said chapter one hundred and fifty-eight.

G. L. (Ter.
Ed.), 32,
§ 21 (3), etc.,
amended.

SECTION 4. Paragraph (3) of said section twenty-one of said chapter thirty-two, as appearing in said section one of

said chapter four hundred, is hereby amended by striking out, in the ninth and tenth lines, the words "and is under sixty years of age at the time of re-entering service", — so as to read as follows: —

(3) Persons fifty-five years of age or over who originally enter the service of the county or hospital district after the date when the system becomes operative shall not become members thereof, and no such employee shall remain in the service of the county or hospital district after reaching age seventy. The age limit of fifty-five specified in this paragraph shall not apply to a former employee not in the service on the date when the system becomes operative who again re-enters the service within five years after leaving service, but such person shall not be eligible for superannuation or ordinary disability retirement until he has rendered at least five years of continuous service following such re-entry.

SECTION 5. Paragraph (5) of section twenty-two of said chapter thirty-two, as amended by section four of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-seven, is hereby further amended by striking out at the end of the sentence inserted by said section four the words: — " , provided he re-entered the service within five years after the termination of his last previous service".

G. L. (Ter. Ed.), 32, § 22 (5), etc., amended.

When membership ceases.

SECTION 6. Paragraph (1) of section twenty-four of said chapter thirty-two, as appearing in said section one of said chapter four hundred, is hereby amended by striking out, in the sixth line, the words "less than thirty nor", — so as to read as follows: — (1) Upon application by a member in service or by the head of his department, or, in case of heads of departments, by the county commissioners, acting as such or as trustees of the hospital district, as the case may be, any member who has had twenty or more years of creditable service may be retired by the board, not more than ninety days next following the date of filing such application, for ordinary disability; provided, that one or more registered physicians selected by the board, after an examination of such member, shall certify (1) that such member is mentally or physically incapacitated for further performance of duty and (2) that such incapacity is likely to be permanent and provided, further, that the board is satisfied that such member should be retired.

G. L. (Ter. Ed.), 32, § 24 (1), etc., amended.

Retirement for disability.

SECTION 7. Paragraph (1) of section twenty-five of said chapter thirty-two, as so appearing, is hereby amended by striking out, in the fourteenth line, the words "less than thirty nor", — so as to read as follows: — (1) Upon application by a member in service or by the head of his department, or, in the case of heads of departments, by the county commissioners, acting as such or as trustees of the hospital district, as the case may be, any member who is totally and permanently incapacitated for duty as the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment, in the performance and within the scope of his duty at some definite time and place with-

G. L. (Ter. Ed.), 32, § 25 (1), etc., amended.

Retirement for total incapacity arising from, etc., employment.

out wilful negligence on his part, which accident occurred or hazard was undergone within two years prior to said application, or as a result of an earlier accident or hazard undergone which was reported in writing to the board by the member or in his behalf within ninety days after its occurrence, shall be retired not more than ninety days following the date of filing such application; provided, that one or more registered physicians selected by the board, after an examination of such member, shall certify (1) that such member is mentally or physically incapacitated for further performance of duty and (2) that such incapacity is likely to be permanent; and provided, further, that the board shall concur in such certification and find that the mental or physical incapacity is the natural and proximate result of such accident or hazard, that such disability is not the result of wilful negligence on the part of such member, and that such member should be retired.

G. L. (Ter.
Ed.), 32,
§ 27 (1) (a),
etc., amended.

SECTION 8. Subdivision (1) of section twenty-seven of said chapter thirty-two, as amended, is hereby further amended by striking out paragraph (a), as appearing in section one of chapter three hundred and sixty of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following paragraph:—

City or town
employees.

(a) Except as otherwise provided in paragraphs (b) and (d) of this subdivision, any person who, while under age fifty-five, enters the service of the city or town after the date on which the system becomes operative therein shall thereupon become a member of the system. This paragraph shall not apply to transient employees nor to persons appointed or employed for a stated period of three months or less, but shall apply to persons appointed or employed on a permanent basis or for a period of probation before their appointment or employment is made permanent, and to persons appointed or employed on a temporary basis without specific termination date.

G. L. (Ter.
Ed.), 32,
§ 27 (1) (e),
etc., amended.

SECTION 9. Said subdivision (1) is hereby further amended by striking out paragraph (e), as appearing in section four of said chapter three hundred and sixty, and inserting in place thereof the following paragraph:—

Other retire-
ment systems,
etc., excluded.

(e) Except as provided in sections thirty-seven D and thirty-seven G, no member shall receive any pension or retirement allowance from any other pension or retirement system supported wholly or in part by public funds, or be required to make contribution to any other such pension or retirement system, anything to the contrary in any general or special law notwithstanding.

G. L. (Ter.
Ed.), 32,
§ 27 (1), etc.,
further
amended.

SECTION 10. Said subdivision (1), as amended, is hereby further amended by adding at the end the following new paragraph:—

Call firemen
and reserve
policemen.

(g) Call firemen and reserve policemen who perform less than three months of actual service in each calendar year shall be members of the retirement system, but shall be eligible for retirement benefits only as set forth in subdivi-

vision (1) of section twenty-nine and in sections thirty-one and thirty-one B.

SECTION 11. Paragraph (2) of said section twenty-seven, as amended by chapter two hundred and twenty-eight of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the first line, the words "age seventy" and inserting in place thereof the words: — the maximum age for his group, — so as to read as follows: —

G. L. (Ter. Ed.), 32, § 27 (2), etc., amended.

(2) Any employee of a city or town under the maximum age for his group on the date of application, whose membership in the system is contingent on his electing to become a member, and who has elected not to become a member, may thereafter apply for and be admitted to membership; provided, that he shall not be entitled to credit for prior service unless he shall pay into the annuity savings fund of the system, in one sum, or by instalments, an amount equal to that which he would have paid had he joined the system at the earliest opportunity, with interest at three per cent; and provided, further, that all payments by instalments hereunder shall be made before said member attains age sixty.

Members seeking credit for service prior to membership.

SECTION 12. Paragraph (3) of said section twenty-seven, as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, is hereby amended by striking out, in the ninth and tenth lines, the words: — "and is under age sixty at the time of re-entering service", — so as to read as follows: —

G. L. (Ter. Ed.), 32, § 27 (2), etc., amended.

(3) Persons fifty-five years of age or over who originally enter the service of the city or town after the date when the system becomes operative shall not become members thereof, and no such employee shall remain in the service of the city or town after reaching age seventy. The age limit of fifty-five specified in this paragraph shall not apply to a former employee not in the service on the date when the system becomes operative who re-enters the service within five years after leaving service, but such person shall not be eligible for superannuation or ordinary disability retirement until he has rendered at least five years of continuous service following such re-entry.

Age limit.

SECTION 12A. Section twenty-eight of said chapter thirty-two, as amended in paragraph (5) by section thirteen of said chapter three hundred and thirty-six, is hereby further amended by striking out paragraph (2), as so appearing, and inserting in place thereof the following paragraph: —

G. L. (Ter. Ed.), 32, § 28 (2), etc., amended.

(2) Under such rules and regulations as the board shall adopt, each person becoming a member within one year from the date he first becomes eligible to membership, who was in service at the time the system became operative, or who re-entered the service within five years after the system became operative, shall file a detailed statement of all service as an employee rendered by him prior to the day on which the system became operative for which he claims credit, and of such facts as the board may require for the proper operation of the system.

Claims for service prior to membership.

G. L. (Ter.
Ed.), 32,
§ 28 (5), etc.,
amended.

Reinstatement.

SECTION 13. Paragraph (5) of section twenty-eight of said chapter thirty-two, as amended by said section thirteen of said chapter three hundred and thirty-six, is hereby further amended by striking out at the end of the sentence inserted by said section thirteen the words: — “, provided he re-entered the service within five years after the termination of his last previous service”.

G. L. (Ter.
Ed.), 32,
§ 29 (1), etc.,
amended.

Retirement
for super-
annuation.

SECTION 14. Subdivision (1) of section twenty-nine of said chapter thirty-two, as amended, is hereby further amended by striking out, in the sixth line, as appearing in section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-six, the words “less than thirty nor”, — so that the first paragraph will read as follows: — Any member in service who shall have attained age sixty, upon his own written application to the board shall, or upon that of the head of his department or, if he himself is the head of his department, upon that of the mayor in a city or the board of selectmen in a town, may, be retired for superannuation not more than ninety days after the filing of such application. A member whose retirement is applied for by the head of his department or by the mayor or selectmen, as the case may be, shall be given a notice in writing of such application forthwith and be given a hearing before the board, if he requests such hearing in writing within ten days of the receipt of such notice. Such hearing shall take place not less than three nor more than fourteen days after request therefor. If the board finds on hearing that the member is able properly to perform his duties it shall thereupon file a copy of its findings with the head of his department or with the mayor or board of selectmen, as the case may be, in which case the member shall not be retired; otherwise, the retirement shall become effective within the time hereinbefore provided.

G. L. (Ter.
Ed.), 32,
§ 29 (1), etc.,
amended.

Call firemen
and reserve
policemen.

SECTION 15. Said subdivision (1) of said section twenty-nine, as amended, is hereby further amended by adding at the end of the second paragraph, as appearing in section fourteen of said chapter three hundred and thirty-six, the following: — ; provided, that any call fireman or reserve policeman who has performed an average of less than three months actual service per year, during the five years last preceding his attaining the maximum age for his group, shall not be retired under this section.

G. L. (Ter.
Ed.), 32,
§ 29 (1), etc.,
further
amended.

Conditions for
allowance.

SECTION 16. Said subdivision (1) is hereby further amended by inserting after the second paragraph, as amended, the following new paragraph: —

A member whose duties require the board, under section twenty-seven (4), to classify him both in Group 1 and in Group 2, as set forth therein, and whose salary or wages are paid from two appropriations, shall, on attaining the maximum age for retirement of employees in Group 2, cease to perform any duties as an officer or member of a police or fire department. If the major portion of his salary or wages is in compensation for such duties he shall be retired forth-

with from the service of the city or town, but, if the major portion of his salary or wages is in compensation for duties requiring the board to classify him in Group 1, he may continue to perform such duties until age seventy. When such person is retired he shall be entitled to a retirement allowance on account of his service, actuarially computed for each group.

SECTION 17. Paragraph (1) of section thirty of said chapter thirty-two, as appearing in said section one of said chapter three hundred and eighteen, is hereby amended by striking out, in the fifth and sixth lines, the words "less than thirty nor", — so as to read as follows: — (1) Upon application by a member in service or by the head of his department, or, in case of heads of departments, by the mayor in a city or the selectmen in a town, any member who has had twenty or more years of creditable service may be retired by the board, not more than ninety days next following the date of filing such application, for ordinary disability; provided, that one or more registered physicians selected by the board, after an examination of such member, shall certify (1) that such member is mentally or physically incapacitated for further performance of duty and (2) that such incapacity is likely to be permanent; and provided, further, that the board is satisfied that such member should be retired.

G. L. (Ter. Ed.), 32, § 30 (1), etc., amended.

Conditions for allowance.

SECTION 18. Subdivision (1) of section thirty-one of said chapter thirty-two, as so appearing, is hereby amended by striking out, in the fourteenth line, the words "less than thirty nor", — so as to read as follows: — (1) Upon application by a member in service or by the head of his department, or, in the case of heads of departments, by the mayor in a city or the selectmen in a town, any member who is totally and permanently incapacitated for duty as the natural and proximate result of an accident or of undergoing a hazard peculiar to his employment, in the performance and within the scope of his duty at some definite time and place, without wilful negligence on his part, which accident occurred or hazard was undergone within two years prior to said application, or as the natural and proximate result of an earlier accident or hazard undergone which was reported in writing to the board by the member or in his behalf within ninety days after its occurrence, shall be retired not more than ninety days following the date of filing of such application; provided, that one or more registered physicians selected by the board, after an examination of such member, shall certify (1) that such member is mentally or physically incapacitated for further performance of duty and (2) that such incapacity is likely to be permanent; and provided, further, that the board shall concur in such certification and find that the mental or physical incapacity is the natural and proximate result of such accident or hazard, that such disability is not the result of wilful negligence on the part of such member, and that such member should be retired.

G. L. (Ter. Ed.), 32, § 31 (1), etc., amended.

Conditions for allowance.

G. L. (Ter. Ed.), 32, § 31 (2), etc., further amended.

Call firemen and reserve policemen.

SECTION 19. Subdivision (2) of said section thirty-one, as amended by section sixteen of said chapter three hundred and thirty-six, is hereby further amended by adding at the end the following new paragraph:—

A call fireman or reserve policeman who is totally and permanently incapacitated for duty as hereinbefore provided shall be entitled to retirement in the same manner and with the same benefits as permanent members of equal rank and grade. Any pension payable on account of such retirement shall be based on the rate of regular annual compensation of permanent firemen or policemen of such grades, if any; provided, that, if there are no permanent firemen or policemen, as the case may be, in the city or town, the pension shall be nine hundred dollars per annum.

G. L. (Ter. Ed.), 32, § 31B, etc., further amended.

Call firemen and reserve policemen, death in line of duty.

SECTION 20. Section thirty-one B of said chapter thirty-two, as amended by section nine of chapter three hundred and seventy-nine of the acts of nineteen hundred and forty-one, is hereby further amended by adding at the end the following new sentence:— In the event of the death of a member or beneficiary who was performing the duties of a call fireman or reserve policeman at the time of the sustaining of the injury or the undergoing of the hazard which caused his death, the pertinent provisions of this section shall apply in determining the amount of pensions payable on account of such death, except that the pension payable under paragraph (1) of this section shall be one half the rate of regular annual compensation of a permanent fireman or policeman of equal rank and grade, if any; provided, that, if there are no permanent firemen or policemen, as the case may be, in the city or town, the pension shall be nine hundred dollars; and provided, further, that in no event shall the pensions payable under paragraphs (1) and (2) of this section exceed in the aggregate an amount equal to the rate of regular annual compensation of said permanent firemen or policemen, if any, or, if there are no such permanent firemen or policemen, the sum of eighteen hundred dollars.

G. L. (Ter. Ed.), 32, § 37E, amended.

Option to withdraw accumulated deductions.

SECTION 21. Section thirty-seven E of said chapter thirty-two is hereby further amended by adding at the end the following new paragraph:—

(4) Any provision of this chapter to the contrary notwithstanding, any member whose retirement allowance at the time of his retirement amounts to less than two hundred and forty dollars per annum may at his option, withdraw from the system the amount of his accumulated deductions, with interest, in lieu of receiving a retirement allowance. Nothing in this section shall entitle a person so withdrawing his deductions to continue in the service.

G. L. (Ter. Ed.), 32, § 37F, etc., amended.

Rights of persons former members

SECTION 22. Said chapter thirty-two is hereby further amended by striking out section thirty-seven F, as amended by chapter three hundred and sixteen of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following:— *Section 37F.* A member of any contributory retirement system established under this chapter or

similar provisions of earlier laws who, within five years prior to becoming such a member or who, immediately before beginning his present employment, was in the employment of any governmental unit, subdivision or agency of the commonwealth, other than that by which he is presently employed, for a period during which such other unit, subdivision or agency had no contributory retirement system, or during which he had inchoate rights to non-contributory retirement, may, on or before December thirty-first, nineteen hundred and forty-two, or within one year after becoming such a member, whichever is the later date, pay into the annuity savings fund of the system of which he is a member an amount equal to the assessments which he would have paid during the period of his service with such other unit, subdivision or agency, not exceeding ten years immediately prior to his last separation therefrom, if the system of which he is a member had been in operation in such other unit, subdivision or agency during such period of service and if such service had been rendered in a position subject to such system, together with interest at three per cent, compounded annually, for the period during which assessments would have been so paid. Such payment may be made either (1) in one sum, with interest thereon at three per cent, compounded annually, from the date when he became a member, or (2) by a deposit within said year of not less than twenty-five dollars, and thereafter by equal monthly instalments over a period of not more than five years, but in no event to extend beyond the date upon which he attains age sixty, such instalments to be deducted with each regular deduction for the retirement fund from his regular compensation, and to be in such amounts that at the end of the period hereinbefore referred to his total payments, with interest thereon at three per cent, compounded annually, shall have amounted to the sum which he might have paid in full at the time of making his initial payment, with interest thereon at three per cent, as so compounded.

SECTION 23. Said chapter thirty-two, as amended, is hereby further amended by inserting after section thirty-seven F the following new section: — *Section 37G.* Except as hereinafter otherwise provided and as provided in section thirty-seven D, no member of any pension or retirement system established under this chapter shall receive any pension or retirement allowance from any other such pension or retirement system or be required to make contributions to any other such system, anything to the contrary in any general or special law notwithstanding. A person employed by two or more governmental units, each of which has established a contributory retirement system under this chapter, may become a member of the retirement system of each such governmental unit and receive a pension and retirement allowance therefrom. If such a person so becomes a member of the retirement systems of two or more such governmental units the treasurer of each such governmental

G. L. (Ter. Ed.), 32, new § 37G, inserted.

Other retirement systems excluded.

Exceptions.

unit shall withhold five per cent of the regular compensation due on each pay day from his governmental unit to such member after he joins the system; provided, that if the total regular compensation of such member from all such governmental units exceeds fifty dollars per week the deduction made hereunder by each such treasurer shall be in the same proportion to fifty dollars that such member's regular compensation from such governmental unit bears to his total regular compensation, so that the total of all deductions made hereunder shall not exceed five per cent of fifty dollars per week; and provided, further, that in no case shall the benefits received by such member be greater than they would have been had such member's total regular compensation been received from one governmental unit. The amount of retirement allowance to be assessed on each such governmental unit under this paragraph shall be computed actuarially as directed by the commissioner of insurance and in such proportions as may be directed by said commissioner.

G. L. (Ter. Ed.), 32, § 91, etc., amended.

SECTION 24. Section ninety-one of said chapter thirty-two, as amended by section five of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out the words "commonwealth, county, city or town which pays such pension or allowance", in the eighth and ninth lines, and inserting in place thereof the words: — commonwealth or any county, city, town or district, — so as to read as follows: — *Section 91.* No person while receiving a pension or retirement allowance from the commonwealth or from any county, city or town, except teachers who on March thirty-first, nineteen hundred and sixteen, were receiving annuities not exceeding one hundred and eighty dollars per annum, shall, after the date of the first payment of such pension or allowance, be paid for any service rendered to the commonwealth or any county, city, town or district, except upon his return and restoration to active service as ordered by the appropriate retirement board after re-examination in case of retirement for disability, for jury service, or for service rendered in an emergency under section sixty-eight, sixty-nine or eighty-three, or for service in a public office to which he has thereafter been elected by direct vote of the people.

Pensioners not to be paid for services.

Exceptions.

Contributory retirement system extended to call firemen and reserve policemen.

Notice, etc.

SECTION 25. The retirement board of each city and town which maintains a retirement system operated under sections twenty-six to thirty-one H, inclusive, of chapter thirty-two of the General Laws shall, within sixty days after the effective date of this act, give to the chief of police and to the chief of the fire department, if any, otherwise to the officer or board having control of the police or fire department, or both, as the case may be, a written notice setting forth the provisions of sections twenty-seven, twenty-nine and thirty-one of said chapter thirty-two, as most recently amended by this act; and the said chief, officer or board shall, so far as possible, bring the same to the attention of

every call fireman or reserve policeman of his city or town. Every such call fireman and reserve policeman not previously a member of the retirement system of such city or town shall become a member on April first, nineteen hundred and forty-two, unless, prior to that date, he shall have filed with the retirement board a statement in writing that he does not desire to become a member, in which case he shall not thereafter have any actual or inchoate rights under any non-contributory retirement law on account of service as a call fireman or as a reserve policeman.

SECTION 26. Nothing in section ninety-one of chapter thirty-two of the General Laws, as most recently amended by section twenty-four of this act, shall be deemed to render illegal the continued employment, or to terminate the employment, of any person who, upon the effective date of this act, was legally employed and receiving compensation under any provision of said section ninety-one as in force immediately prior to said effective date.

Certain pensions not affected.

Approved October 22, 1941.

AN ACT DEFINING "SALARY" FOR THE PURPOSES OF THE RETIREMENT SYSTEM FOR TEACHERS, AND FURTHER REGULATING THE RETIREMENT RIGHTS OF CERTAIN TEACHERS.

Chap. 671

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter thirty-two of the General Laws, as most recently amended by section one of chapter four hundred and forty-four of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the definition of "School year", as appearing in the Tercentenary Edition, the following new paragraph: —

G. L. (Ter. Ed.), 32, § 6, etc., amended.

"Salary", the annual compensation lawfully determined for the individual service of a teacher; provided that, if such compensation is reduced during any period as a part of a temporary general salary reduction, which is designated as such at the time it is made by the school committee or board of trustees of a school conducted under sections one to thirty-seven, inclusive, of chapter seventy-four, the salary to be used as a basis for assessments and for determining pensions shall be the salary that he would be receiving if there were no such reduction.

"Salary" defined.

SECTION 2. If a school committee in a city or town or board of trustees of a school conducted under any provision of sections one to thirty-seven, inclusive, of chapter seventy-four notifies the teachers' retirement board, prior to February first, nineteen hundred and forty-two, that a salary reduction made since September first, nineteen hundred and thirty, by such school committee or board of trustees or its predecessors was a temporary general salary reduction, such reduction shall not decrease the pension of any member of the teachers' retirement association who was employed as a teacher in such city or town or in such a school and retired

General, etc., salary reduction not to decrease pensions.

on or after said February first, and all members employed as teachers in such a city or town or school shall, if the reduction has not been restored, pay assessments from said February first based on the salary which they would be receiving if there had been no such reduction.

Pensions
of retired
teachers.

SECTION 3. Any member of the teachers' retirement association retired between September first, nineteen hundred and thirty, and said February first, who was employed in a city or town or school conducted under said sections one to thirty-seven, inclusive, of said chapter seventy-four, in case the school committee or board of trustees notifies the retirement board under section two that a temporary general salary reduction was made, shall, from and after June first, nineteen hundred and forty-two, receive the pension which he would have received if there had been no such reduction; provided that no pension shall be reduced by this section and no additional payment to the annuity fund shall be required.

Approved October 22, 1941.

Chap. 672 AN ACT PROVIDING FOR EXTENSIONS OF THE BOUNDARIES
OF THE SHELBURNE FALLS FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Upon a petition in writing addressed to the board of water commissioners of the Shelburne Falls Fire District, in the towns of Buckland and Shelburne, requesting that certain real estate, accurately described therein, located in either of said towns and abutting on said district and not otherwise served by a public water supply, be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative, the clerk of said district shall, within ten days, file with the town clerk of each of said towns and with the state secretary an attested copy of said petition and vote, and thereupon said real estate shall become and be part of the district and shall be holden under chapter two hundred and sixty-two of the acts of eighteen hundred and fifty-five, and acts in amendment thereof and in addition thereto, in the same manner and to the same extent as the real estate described in said acts.

SECTION 2. This act shall take effect upon its passage.

Approved October 23, 1941.

AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO CON-
STRUCT AND MAINTAIN BUILDINGS ON CERTAIN PARK
LANDS IN SAID CITY. Chap.673

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized, notwithstanding any limitation contained in chapter forty-five of the General Laws, to construct and maintain a building or buildings within the limits of Waconah Park and Burbank Park.

SECTION 2. This act shall take effect upon its passage.

Approved October 23, 1941.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH
TO ACQUIRE AN ADDITIONAL WATER SUPPLY FOR THE
NORTH READING STATE SANATORIUM. Chap.674

Be it enacted, etc., as follows:

SECTION 1. The department of public health, with the approval of the governor and council, is hereby authorized to enter into an agreement with any municipality to purchase water for use at the North Reading state sanatorium; provided, that no agreement or contract for the purchase of such water shall be for a period of more than three years, and that no price shall be agreed upon by said department for the purchase of water in excess of one hundred and fifteen dollars per million gallons. Until the general court provides otherwise, the said department may, at the expiration of an agreement, renew the agreement under similar conditions.

SECTION 2. For the purposes aforesaid, said department may construct and maintain on the lands of the North Reading state sanatorium the necessary conduits, pipes and other works.

Approved October 23, 1941.

AN ACT REGULATING THE PRINTING ON BALLOTS AT STATE
PRIMARIES OF THE NAMES OF CANDIDATES FOR NOMINA-
TION FOR CERTAIN OFFICES BY A POLITICAL PARTY. Chap.675

Be it enacted, etc., as follows:

Section forty-eight of chapter fifty-three of the General Laws, as most recently amended by chapter five hundred and sixty-three of the acts of the current year, is hereby further amended by adding at the end the following paragraph: —

There shall not be printed on the ballot at a state primary the name of any person as a candidate for nomination for the office of county commissioner or senator or representative to the general court unless a certificate from the registrars of voters of the city or town where such person resides

G. L. (Ter.
Ed.), 53, § 48,
etc., amended.

Nomination
papers of
candidates
for state
wide offices.

stating that he is enrolled as a member of a political party, giving the name of the party, or stating that he is not enrolled in any political party, as the case may be, is filed with the state secretary on or before the last day herein provided for the filing of nomination papers. Said registrars shall forthwith issue such a certificate upon request of any such candidate or of his authorized representative. Against the name of any such candidate on the ballot shall be printed the name of the party of which he is an enrolled member or, if he is not enrolled in any party, the word "unenrolled".

Approved October 23, 1941.

Chap. 676 AN ACT AUTHORIZING THE APPOINTMENT OF DIRECTORS OF OCCUPATIONAL GUIDANCE AND PLACEMENT IN TOWNS AND OF A SUPERVISOR OF SUCH DIRECTORS IN THE DEPARTMENT OF EDUCATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 15, new § 6B, inserted.

Supervisor of guidance and placement, duties of.

SECTION 1. Chapter fifteen of the General Laws is hereby amended by inserting after section six A, as amended by section thirteen of chapter four hundred and forty-six of the acts of nineteen hundred and thirty-eight, the following new section: — *Section 6B.* The commissioner shall appoint a supervisor of guidance and placement and prescribe his duties. He shall, under the commissioner, have general supervision of the directors of occupational guidance and placement appointed by towns.

G. L. (Ter. Ed.), 71, new §§ 38A-38F, inserted.

Directors of occupational guidance and placement in certain towns.

SECTION 2. Chapter seventy-one of the General Laws is hereby amended by inserting after section thirty-eight, as appearing in the Tercentenary Edition, the following six new sections: — *Section 38A.* The school committee of a town not in an occupational guidance and placement district may employ a director or directors of occupational guidance and placement, approved by the department prior to his or their appointment, and may fix his or their compensation, and a director employed under this section shall, under the direction and control of the supervisor of guidance and placement provided for in section six B of chapter fifteen, give his whole time to the occupational and employment problems of the young people between the ages of sixteen and twenty-three in said town. He shall use all means available to furnish occupational guidance and secure employment opportunities for such persons. Every such director may consult with and seek the advice of said supervisor, and shall make an annual report to the committee and forward a copy thereof to said supervisor.

Reimbursement to towns.

Section 38B. When the chairman and majority of the school committee certify to the state comptroller on oath that the town has employed a director or directors of occupational guidance and placement, approved by the department prior to his or their appointment, for the year ending June thirtieth, the town shall be eligible to reimbursement

on account of each such director in the same amount as provided in part one of chapter seventy in the case of a teacher.

Section 38C. Every such director of occupational guidance and placement shall be deemed to be a regularly appointed teacher in the school system of the town by which he is employed, and shall be subject to the provisions of this chapter relating to teachers.

Status of appointees.

Section 38D. Two or more towns may, by vote of each, form a district for the purpose of employing a director of occupational guidance and placement, who shall annually be appointed by a joint committee composed of the chairman and secretary of the school committee of each of said towns. The committee shall determine the relative amount of service to be performed by him in each town, fix his salary, apportion the amount thereof to be paid by each town, and certify the same to each town treasurer. Any constituent town may, by vote passed prior to December first in any year, withdraw from the district, with the approval of the department, such withdrawal to become effective on June thirtieth following. No city may join in forming such a district.

Towns may form district for guidance and placement, etc.

Section 38E. When the chairman and the secretary of such joint committee certify to the state comptroller, on oath, that the towns unitedly have employed a director of occupational guidance and placement for the year ending on June thirtieth, a warrant shall, upon the approval of the department, be drawn upon the state treasury for the payment of an amount not in excess of that which a town may receive under the provisions of part one of chapter seventy in the case of a teacher. The amount stated in the warrant shall be apportioned and distributed among the towns employing the director in proportion to the amount expended by them for his salary.

Reimbursement to districts.

Section 38F. A director of occupational guidance and placement who accepts any commission, fee, compensation or reward of any kind for obtaining a position for any person shall be punished by a fine of not more than five hundred dollars, and upon conviction his office shall immediately become vacant.

Penalty.

SECTION 3. The supervisor of guidance and placement, provided by section one of this act, shall be the agent of the Massachusetts board for the promotion of opportunities for young people during the period of existence of said board.

Supervisor to be agent, etc.

Approved October 23, 1941.

AN ACT PROVIDING FOR PROBATION OFFICERS TO ACT EXCLUSIVELY IN JUVENILE CASES IN CERTAIN DISTRICT COURTS.

Chap. 677

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and seventy-six of the General Laws is hereby amended by inserting after section eighty-three, as amended, the following new section: —

G. L. 276, new § 33A, inserted.

Full-time
probation
officers in
juvenile cases
to be ap-
pointed.

Exception.

Removal of,
etc.

Section 83A. Such district courts within the same county as may be designated by the administrative committee of the district courts may join in the appointment of one or two full-time probation officers to act exclusively in juvenile cases in the courts so joining; provided, that this provision shall not apply to the municipal court of the city of Boston. Each such probation officer shall be appointed by the justices of the courts so joining, with the written approval of said administrative committee, which committee shall consult the board of probation relative thereto; provided, that if a majority of said justices fails to agree in the selection of a person for appointment as such probation officer within a period of thirty days after such designation by said administrative committee, such appointment shall be made by said administrative committee, which committee shall consult said board of probation relative thereto. Each officer appointed under this section shall be removable for cause by the justices of the courts for which such appointment was made; provided, that no such officer shall be removed or discharged from office unless such removal or discharge shall be approved in writing by said administrative committee after consultation with said board of probation relative thereto. The justices of the courts for which a probation officer is appointed under this section shall fix the compensation of such officer, subject in Suffolk county to the approval of said administrative committee and in each other county to the approval of the county commissioners thereof.

The provisions of law applicable to probation officers appointed under section eighty-three shall, so far as they may be pertinent and not inconsistent herewith, apply to probation officers appointed hereunder. In any case in which he acts, a probation officer appointed hereunder shall be deemed to be a probation officer of the court in which the case is pending and such court shall be deemed to be the court by which he is appointed.

G. L. (Ter.
Ed.), 276,
§ 97, amended.

Duties of
department
of public
welfare not
affected.

SECTION 2. Said chapter two hundred and seventy-six is hereby further amended by striking out section ninety-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: — *Section 97.* Sections eighty-three to ninety-six, inclusive, shall not authorize a probation officer to interfere with any of the duties required of the department of public welfare under the law relative to juvenile offenders.

Approved October 23, 1941.

Chap. 678 AN ACT RELATIVE TO THE LAYING, CONSTRUCTION, MAINTENANCE AND OPERATION OF PIPE LINES FOR CONVEYING PETROLEUM AND ITS PRODUCTS AND BY-PRODUCTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 30, new
§ 44B, inserted.

SECTION 1. Chapter thirty of the General Laws is hereby amended by inserting after section forty-four A, as appear-

ing in the Tercentenary Edition, the following new section: — *Section 44B.* A commissioner or head of a state department having control of any land, water, park, reservation, boulevard, parkway or highway of the commonwealth or of any metropolitan district may, in the name of the commonwealth, subject to such terms and conditions as he may deem advisable and subject also to such rules and regulations as may be promulgated by the department of public safety, grant to any person the right to lay, construct, maintain and operate pipe lines for conveying petroleum or the products or by-products thereof through, over, across or under such land, water, park, reservation, boulevard, parkway or highway, and in connection therewith may grant permission to any such person to dig up, open or tunnel under such land, water, park, reservation, boulevard, parkway or highway.

Pipe lines, etc., on state owned property regulated.

SECTION 2. Chapter forty of the General Laws is hereby amended by inserting after section forty-three, as so appearing, the following new section under the following heading: — PETROLEUM AND ITS PRODUCTS AND BY-PRODUCTS. *Section 43A.* The board of aldermen or the selectmen may, subject to such terms and conditions as they may deem advisable and subject also to such rules and regulations as may be promulgated by the state department of public safety, grant to any person the right to lay, construct, maintain and operate pipe lines for conveying petroleum or the products or by-products thereof through, over, across or under any public way, other than a way referred to in section forty-four B of chapter thirty, and in connection therewith may grant permission to any such person to dig up, open or tunnel under such public way.

G. L. (Ter. Ed.), 40, new § 43A, inserted.

Laying, etc., pipe lines under public ways.

Approved October 23, 1941.

AN ACT TO AUTHORIZE THE PLACING OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF LOWELL UNDER THE CIVIL SERVICE LAWS.

Chap. 679

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the city of Lowell shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws, but the person holding said office on said effective date shall continue to serve therein only until the expiration of his term of office unless prior thereto he passes a non-competitive qualifying examination to which he shall be subjected by the division of civil service.

SECTION 2. This act shall take full effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved October 23, 1941.

Chap.680 AN ACT MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS
FOR WORCESTER COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The following sums are hereby appropriated for the county of Worcester for the years nineteen hundred and forty-one and nineteen hundred and forty-two, in addition to the sums already appropriated by section one of chapter five hundred and twenty-eight of the acts of the current year:

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
4 For clerical assistance in county offices, including two additional employees in the southern registry of deeds who will begin work not earlier than October first of the current year and one further additional employee in said registry who will begin work not earlier than January first, nineteen hundred and forty-two, a sum not exceeding .	\$700 00	\$7,200 00
6 For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding .	300 00	930 00
19 For training school, a sum not exceeding .	450 00	1,230 00
Total additional sums appropriated by this act	\$1,450 00	\$9,360 00

SECTION 2. To meet the appropriations provided in section one for the current year the county commissioners shall, with the approval of the director of accounts, transfer from the appropriation for a reserve fund to the items increased by said section one the amounts necessary therefor but not to exceed the sums so appropriated.

SECTION 3. The sums appropriated by section one for the year nineteen hundred and forty-two shall be added to the amount to be levied as the county tax for the county of Worcester for said year as provided by section one of chapter five hundred and twenty-eight of the current year.

SECTION 4. This act shall take effect upon its passage.

Approved October 23, 1941.

Chap.681 AN ACT RELATIVE TO THE RETIREMENT ALLOWANCES OF
CERTAIN LABORERS, FOREMEN, INSPECTORS, MECHANICS,
DRAWTENDERS, ASSISTANT DRAWTENDERS AND STORE-
KEEPERS FORMERLY EMPLOYED BY THE CITY OF FALL
RIVER.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and forty-one of the acts of nineteen hundred and forty-one is hereby amended by striking out section one and inserting in place thereof

the following:— *Section 1.* The limitation of the amount of the retirement allowances of laborers, foremen, inspectors, mechanics, drawtenders, assistant drawtenders and storekeepers formerly in the employ of the city of Fall River, hereinafter called former employees, imposed by section one of chapter two hundred and seventy-eight of the acts of nineteen hundred and twenty-four, or by said section as amended by section one of chapter seventy-one of the acts of nineteen hundred and thirty, shall not restrict the retirement allowances of such of said former employees as were retired by said city thereunder prior to January first, nineteen hundred and thirty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved October 23, 1941.

AN ACT RELATIVE TO THE ESTABLISHMENT, POWERS AND DUTIES OF AN ADMINISTRATIVE COMMITTEE OF THE DISTRICT COURTS, OTHER THAN THE MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap. 682*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and eighteen of the General Laws is hereby amended by striking out section forty-three A, as amended by chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following section:— *Section 43A.* There shall be an administrative committee of the district courts, other than the municipal court of the city of Boston, which shall consist of five justices of such district courts, appointed by the chief justice of the supreme judicial court, each for a period not exceeding two years as said chief justice may determine. Any such justice may be reappointed. The committee shall be authorized to visit any district court, other than the municipal court of the city of Boston, or any trial justice, as a committee or by subcommittee, to require uniform practices, to prescribe forms of blanks and records, and to superintend the keeping of records by clerks and by trial justices. The committee shall have general superintendence of all the district courts, other than the municipal court of the city of Boston, and their clerks and other officers; but, except as otherwise provided by law, shall have no power to appoint any such officers. The committee may regulate the assignment of special justices in such district courts, determine the number of simultaneous sessions which may be held by any such district court, the sittings of special justices, and, subject to the provisions of section fifteen, shall determine the times for holding criminal and civil sessions. Without limiting the generality of the foregoing, the committee shall require records to be kept which shall be available to the general court and which shall show the hours of opening and adjourning of court and any simultaneous session thereof on each

G. L. (Ter. Ed.), 218, § 43A, etc., amended.

Administrative committee of district courts.

Appointment of members.

Duties of, etc

day, the names of the justices and special justices holding court or a simultaneous session thereof, and any other information which may generally assist in the determination of the nature and volume of, and the time required to complete, all work done by any of such district courts.

In the case of the refusal or failure of any justice or special justice, clerk or officer of any district court, other than the municipal court of the city of Boston, to comply with any order of the committee in performance of its duties and powers by this section established, the committee shall report such person or persons to the chief justice of the supreme judicial court with a statement of such non-compliance, and, upon a finding, made after a hearing by said chief justice or any justice of the supreme judicial court to whom said chief justice may refer the matter, that such person has not complied with such order of the committee, the supreme judicial court shall forthwith make an appropriate order as to the matter involved.

The members of the committee shall be allowed their necessary expenses, including clerical expenses, incurred in the performance of their duties, subject to the approval of the governor and council, and shall receive such compensation for their services actually performed in the work of such committee as the governor and council shall approve, to be paid from the state treasury.

To promote co-ordination in the work of the courts, the administrative committee may call a conference of any or all of the justices of the district courts, including the municipal court of the city of Boston, or other officers connected with such courts, and the traveling expenses of such justices or officers for attending any such conferences shall be paid as the other expenses of their respective courts are paid.

SECTION 1A. Upon the appointment of a new administrative committee under section one of this act the administrative committee of district courts, existing under authority of section forty-three A of chapter two hundred and eighteen of the General Laws, as heretofore in effect, shall cease to exist. So far as the provisions of this act are the same as those of previously existing laws, they shall be deemed to be a continuation thereof.

SECTION 2. This act shall take effect upon its passage.

Approved October 23, 1941.

Former committee dissolved.

Effective date.

Chap. 683 AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, and for certain new activities and projects, the sums set forth in section two, for

the particular purposes and subject to the conditions stated therein, are hereby appropriated from the general fund or ordinary revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and forty-one, and for the fiscal year ending November thirtieth, nineteen hundred and forty-two, or for such other period as may be specified.

SECTION 2.

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Legislative Department.</i>		
0101-18	The sum of seven hundred and fifty dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 0102-16 of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year contained in Item 0101-18 of said chapter four hundred and nineteen.	
0101-19	The sum of two thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 0102-16 of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year contained in Item 0101-19 of said chapter four hundred and nineteen.	
0101-21	For clerical and other assistance of the house committee on rules, including not more than one permanent position, to be in addition to any amount heretofore appropriated for the purpose . . .	
	\$520 00	\$1,040 00
0102-01	For traveling and such other expenses of the committees of the present general court as may be authorized by order of either branch of the general court, to be in addition to any amount heretofore appropriated for the purpose . . .	
	1,100 00	—
0102-02	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance at the end of the fiscal year nineteen hundred and forty-one shall be available in the fiscal year nineteen hundred and forty-two . . .	
	25,000 00	—

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0102-09	For office and other expenses of the committee on rules on the part of the house, to be in addition to any amount heretofore appropriated for the purpose	\$100 00	-
0102-10	The sum of fifty dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 0102-16 of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year contained in Item 0102-10 of said chapter four hundred and nineteen.		
0102-11	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, to be in addition to any amount heretofore appropriated for the purpose	1,000 00	-
0102-12	For telephone service, to be in addition to any amount heretofore appropriated for the purpose	2,000 00	-
	Special:		
0102-21	For certain improvements and repairs of the house chamber in the state house and parts of the lobby and adjoining rooms, including replacement of equipment, as authorized by chapter fifty-one of the resolves of the present year	15,000 00	-
0213	For additional compensation and travel allowance of senators during the sitting of the senate as a court of impeachment, including compensation in the amount of four hundred dollars for each of the senators for his services as a member of the senate sitting as such court, and a travel allowance for each of the senators of four and one half cents for each mile of ordinary traveling distance from his place of abode to the state house and return for each of the days on which a session was held by the senate sitting as such court, or a travel allowance of one hundred dollars for each of the senators, whichever is the larger	21,000 00	-
0214	For expenses of the senate in connection with a certain impeachment, as authorized by the order adopted by the senate on July twenty-fifth of the present year	15,000 00	-
0215	For expenses, compensation and travel allowance of the board of managers of the house, appointed		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
under the provisions of the order adopted by the house on June twenty-fourth of the present year to prosecute a certain impeachment, to be expended with the approval of the speaker of the house, including compensation in the amount of four hundred dollars for each of the members of said board for his services as such member, and a travel allowance for each of said members of four and one half cents for every mile of ordinary traveling distance from his place of abode to the state house and return for each of the days on which a session for the trial of said impeachment was held by the senate, or a travel allowance of one hundred dollars for each such member, whichever is the larger	\$15,000 00	—
Totals	\$95,720 00	\$1,040 00

Service of Legislative Investigations.

0204	For continuing the investigation relative to transportation facilities, as authorized by chapter forty-three of the resolves of the present year, to be in addition to any amount heretofore appropriated for the purpose	\$10,000 00	—
0216	For an investigation and study relative to the civil service laws and rules and regulations of the commonwealth, as authorized by chapter thirty-six of the resolves of the present year	2,500 00	—
0217	For an investigation and study of the criminal laws of the commonwealth and of drafting a penal code, as authorized by chapter forty-eight of the resolves of the present year	500 00	—
0218	For an investigation relative to the establishment of an administrative court, as authorized by chapter forty-nine of the resolves of the present year	500 00	—
0219	For a study relative to the distribution of federal funds for the benefit of agriculture, as authorized by chapter fifty-six of the resolves of the present year	300 00	—
0220	For an investigation and study relative to laws relating to alcohol and alcoholic beverages and to common victuallers, as authorized by chapter sixty of the resolves of the present year	3,000 00	—

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0221	For an investigation and study of group insurance, so called, for public employees, as authorized by chapter sixty-five of the resolves of the present year . . .	\$500 00	-
0222	For an investigation relative to the retirement systems of the commonwealth and of the political subdivisions thereof, as authorized by chapter sixty-six of the resolves of the present year . . .	2,500 00	-
0223	For an investigation and study of certain practices in the fish industry and other matters, as authorized by chapter sixty-seven of the resolves of the present year and an order of the present general court . . .	5,000 00	-
0224	For an investigation and study relative to junior colleges, as authorized by chapter seventy of the resolves of the present year . . .	1,000 00	-
0225	For an investigation and study relative to certain standards for tenements and other dwellings affecting the health and well being of persons residing therein, and to other matters, as authorized by chapter seventy-one of the resolves of the present year . . .	500 00	-
0226	For an investigation relative to the cost of and admissions to county tuberculosis hospitals, as authorized by chapter six hundred and sixteen of the acts of the present year . . .	500 00	-
Total		\$26,800 00	-

Service of the Judicial Department.

Probate and Insolvency Courts:			
0305-02	For the compensation of judges of probate when acting for other judges of probate, to be in addition to any amount heretofore appropriated for the purpose . . .	-	\$2,000 00
0306-14	For clerical assistance to the register of probate and insolvency of Nantucket county . . .	\$75 00	150 00
Land Court:			
0308 02	For engineering, clerical and other personal services, including not more than twenty-two permanent positions, to be in addition to any amount heretofore appropriated for the purpose . . .	-	1,350 00
Totals		\$75 00	\$3,500 00

Appropriation
Fiscal Year
1941.

Appropriation
Fiscal Year
1942.

Item

Service of the Executive Department.

Item 0401-28 of chapter four hundred and nineteen of the acts of the present year is hereby amended by striking out the words "For expenses incurred in the arrest of fugitives from justice, and any unexpended balance remaining at the end of the fiscal year nineteen hundred and forty-one may be used in the fiscal year nineteen hundred and forty-two", and inserting in place thereof the words "For payment in the fiscal year nineteen hundred and forty-one or nineteen hundred and forty-two of reward to person or persons giving information leading to the apprehension of John F. Dowd, former sheriff of Suffolk County".

0401-40 For a reserve for expenses during the fiscal year nineteen hundred and forty-two arising from constantly increasing commodity costs, the sum of four hundred thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-two contained in Item 1907-10 of chapter four hundred and nineteen of the acts of the present year.

The head of any department or of any agency of the commonwealth may make written application to the commission on administration and finance for additional funds to be paid from this item to meet expenses in such department or agency arising during the said year from increased commodity costs. Upon receipt of such application, said commission shall investigate the need for such additional funds and shall forthwith advise the governor in writing of all pertinent facts relative thereto; and, at the same time, the commission shall recommend in writing whether, in its opinion, additional funds should be made available and, if so, in what amount.

Upon receipt of such recommendation, the governor, with the advice and consent of the council, may direct the comptroller to transfer from this item to said department or agency such amount as the governor may find to be needed to meet such increase in expenses.

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the State Quartermaster.</i>		
0405-01	For personal services of the state quartermaster, superintendent of arsenal and certain other employees of the state quartermaster, including not more than eight permanent positions, to be in addition to any amount heretofore appropriated for the purpose	- \$1,000 00
<i>Service of the Armory Commission.</i>		
Special:		
0409-25	For the acquisition of certain land for armory purposes in the city of Lowell, as authorized by chapter five hundred and fifty of the acts of the present year	\$2,000 00 -
<i>Service of the Commission on Administration and Finance.</i>		
0415-05	For other expenses incidental to the duties of the commission, to be in addition to any amount heretofore appropriated for the purpose	\$5,000 00 -
0415-10	For telephone service in the state house and expenses in connection therewith, to be in addition to any amount heretofore appropriated for the purpose	1,000 00 -
Total		<hr/> \$6,000 00 -
Purchase of paper:		
0415 11	For the purchase of paper used in the execution of the contracts for state printing, other than legislative, with the approval of the commission on administration and finance, to be in addition to any amount heretofore appropriated for the purpose	- \$10,000 00
Central Mailing Room:		
0415-12	For personal services of the central mailing room, including not more than eight permanent positions . The sums appropriated by Item 0416-07 of chapter four hundred and nineteen of the acts of the present year are hereby transferred to this item.	- -
0415-13	For office and other expenses of the central mailing room The sums appropriated by Item 0416-15 of chapter four hundred and nineteen of the acts of the present year are hereby transferred to this item.	- -

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the State Superintendent of Buildings.</i>		
0416-01 For personal services of the superintendent and office assistants, including not more than five permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$346 00	\$4,450 00
0416-02 For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, including not more than forty-four permanent positions, to be in addition to any amount heretofore appropriated for the purpose	2,974 50	14,280 00
0416-03 For personal services of capitol police, including not more than twenty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	337 50	1,620 00
0416-04 For personal services of janitors, including not more than twenty-one permanent positions, to be in addition to any amount heretofore appropriated for the purpose	712 50	3,420 00
0416-05 For other personal services incidental to the care and maintenance of the state house and of the Ford building, so-called, including not more than eighty permanent positions, to be in addition to any amount heretofore appropriated for the purpose	1,669 50	9,030 00
Other Annual Expenses:		
0416-13 For services, supplies and equipment necessary to furnish heat, light and power, to be in addition to any amount heretofore appropriated for the purpose	2,200 00	8,500 00
0416-14 For other services, supplies and equipment necessary for the maintenance and care of the state house and grounds and of the Ford building, so-called, including repairs of furniture and equipment, to be in addition to any amount heretofore appropriated for the purpose	6,000 00	7,500 00
Special:		
0416-26 For certain improvements in the heating and ventilating system of the House chamber, so-called, in the state house, including the cost of purchase and installation of equipment	6,000 00	-
0416-31 (This item combined with Items 0416-01, 0416-02, 0416-03, 0416-04, 0416-05.)		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0416-32 (This item combined with Item 0416-13.)		
0416-33 (This item combined with Item 0416-14.)		
Special:		
0416-34 For certain alterations and improvements in the Ford building, so-called, including painting	\$9,500 00	-
Totals	\$29,740 00	\$45,800 00

Service of the State Planning Board.

The appropriations authorized by the following two items shall be available for expenditure in exercising and performing the powers and duties of the state planning board, including the former powers and duties of the division of metropolitan planning transferred to said board under the provisions of chapter four hundred and sixty-six of the acts of nineteen hundred and forty-one:

0419-01	For personal services of secretary, chief engineer, and other assistants, including not more than fourteen permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$9,800 00	\$41,010 00
0419-02	For services other than personal, including rent of offices, travel, and office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	1,050 00	13,500 00
Totals		\$10,850 00	\$54,510 00

Service of the Art Commission.

0424-01	For expenses of the commission, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	-
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Service of the Ballot Law Commission.

0425-01	For compensation of the commissioners, including not more than three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$1,000 00	-
0425-02	For expenses, including travel, supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	200 00	-
Total		\$1,200 00	-

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
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Service of the Soldiers' Home in Massachusetts.

0430-00 (This item deferred.)

For Expenses on Account of Wars.

0441-03	For expenses of the Grand Army of the Republic, Department of Massachusetts, as authorized by chapter thirty-one of the resolves of the present year, to be in addition to any amount heretofore appropriated for the purpose	\$1,600 00	\$1,600 00
0441-08	For expenses in connection with the national convention of the Army and Navy Legion of Valor of the United States, as authorized by chapter thirty-two of the resolves of the present year	-	1,000 00
	Totals	\$1,600 00	\$2,600 00

Service of the Massachusetts Aeronautics Commission.

0442-01	For personal services of employees, including not more than three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$220 00	\$1,320 00
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Service of the Industrial Committee for National Defense.

0460-01	For personal services and for administrative expenses, including office rent and other incidental expenses. No part of the appropriation herein authorized shall be available for the salaries of positions on a permanent basis, and persons employed by said committee shall not be subject to the civil service laws or the rules and regulations made thereunder, but their employment and salary rates shall be subject to the rules and regulations of the division of personnel and standardization. Further activities of the committee shall terminate whenever, in the opinion of the governor, its continuation is no longer required in the best interests of the commonwealth. For the fiscal year nineteen hundred and forty-two, the sum of fourteen thousand one hundred and twenty dollars is hereby transferred from the appropriation for said fiscal year contained in Item 1603-02 of chapter four hundred and nineteen of the acts of the present year to this item.		
0460-02	(This item combined with Item 0460-01.)		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Secretary of the Commonwealth.</i>			
For printing laws, etc.:			
0503-01	For printing and distributing the pamphlet edition and for printing and binding the blue book edition of the acts and resolves of the present year, to be in addition to any amount heretofore appropriated for the purpose . . .	\$2,000 00	—
0503-02	For the printing of reports of decisions of the supreme judicial court, to be in addition to any amount heretofore appropriated for the purpose . . .	271 52	—
For matters relating to elections:			
0504-01	For personal and other services in preparing for primary elections, including not more than one permanent position, and for the expenses of preparing, printing and distributing ballots for primary and other elections, to be in addition to any amount heretofore appropriated for the purpose . . .	—	\$60,000 00
0504-03	For furnishing cities and towns with ballot boxes, and for repairs to the same; for the purchase of apparatus to be used at polling places in the canvass and counting of votes; and for providing certain registration facilities, to be in addition to any amount heretofore appropriated for the purpose . . .	\$50 00	1,500 00
0504-04	For expenses of publication of lists of candidates and forms of questions before state elections, to be in addition to any amount heretofore appropriated for the purpose . . .	—	5,000 00
0504-07	For expenses of compiling and publishing information to voters, as required by section fifty-three of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition thereof . . .	—	80,200 00
Totals		\$3,121 52	\$146,700 00
Medical Examiners' Fees:			
0505 01	For medical examiners' fees, as provided by law, to be in addition to any amount heretofore appropriated for the purpose . . .	\$100 00	—
<i>Service of the Treasurer and Receiver-General.</i>			
0601-02	(This item omitted.)		
0601-03	For services other than personal, traveling expenses, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose . . .	—	\$500 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	State Board of Retirement:		
0604-02	For services other than personal, printing the annual report, and for office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	--
	Item 0604-03 of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the following: "The board of retirement is hereby authorized and directed to transfer from any surplus interest account to the annuity reserve fund the sum of thirty-six thousand three hundred fifty-eight dollars and twenty-three cents in the fiscal year nineteen hundred and forty-one, notwithstanding the provision of paragraph (9) of section five A of chapter thirty-two of the General Laws, as inserted therein by section one of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight."		
	Totals	\$500 00	\$500 00
	<i>Service of the Auditor of the Commonwealth.</i>		
0701-02	For personal services of deputies and other assistants, including not more than twenty-three permanent positions, to be in addition to any amount heretofore appropriated for the same purposes	\$1,000 00	\$1,000 00
0701-03	For services other than personal, traveling expenses, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	500 00	500 00
	Totals	\$1,500 00	\$1,500 00
	<i>Service of the Attorney General's Department.</i>		
0801-02	For the compensation of assistants in his office, and for such other legal and personal services as may be required, including not more than thirty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	\$5,000 00
0801-03	For services other than personal, traveling expenses, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	\$300 00	1,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0802-01	For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employees, to be in addition to any amount heretofore appropriated for the purpose .	\$1,000 00	\$1,000 00
	Totals	\$1,300 00	\$7,000 00

Service of the Department of Agriculture.

Division of Dairying and Animal Husbandry:

0905-01	For personal services, including not more than five permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$480 00	\$480 00
0905-02	For other expenses, including the enforcement of the dairy laws of the commonwealth, to be in addition to any amount heretofore appropriated for the purpose	200 00	200 00
0905-03	For administering the law relative to the inspection of barns and dairies by the department of agriculture, including not more than eight permanent positions, to be in addition to any amount heretofore appropriated for the purpose	1,000 00	1,000 00
	Totals	\$1,680 00	\$1,680 00

Milk Control Board:

0906-01	For personal services of members of the board and their employees, including not more than thirty-five permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$38,590 00	-
0906-02	For other administrative expenses of the board, including office expenses, rent, travel and special services, and including not more than two permanent positions, to be in addition to any amount heretofore appropriated for the purpose	23,700 00	-
	Total	\$62,290 00	-

Division of Plant Pest Control and Fairs:

0909-02	For travel and other expenses, to be in addition to any amount heretofore appropriated for the purpose	\$200 00	-
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State Reclamation Board:

0910-01	For expenses of the board, including not more than five permanent		
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Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
positions, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	—
Total	\$700 00	—

Service of the Department of Conservation.

Division of Forestry:

1002-11	For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two and for previous years, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	\$500 00
1004-43	The sum of three thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 1004-31 of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year contained in Item 1004-43 of said chapter four hundred and nineteen, and it is hereby provided that the appropriation for the fiscal year nineteen hundred and forty-two contained in said Item 1004-43 is in addition to any amount appropriated for the same purpose for the fiscal year nineteen hundred and forty-one.		
	Special:		
1002-51	For the purchase of certain land in the town of Charlemont, as authorized by chapter five hundred and one of the acts of the present year	4,500 00	—
1002-52	For expenses of the State Advisory Forest Committee, as authorized by chapter five hundred and forty-four of the acts of the present year	—	3,000 00
	For screening the outlet and spillway of the East Otis Reservoir, so-called, in the town of Otis, including the cost of purchase and installation of equipment, as authorized by chapter five hundred and seventy-two of the acts of the present year, the sum of thirty-five hundred dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 1004-32 of chapter four hundred and nineteen of the acts		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	of the present year to this item for the fiscal year nineteen hun- dred and forty-one.		
	Division of Marine Fisheries:		
1004-71	(This item omitted.)		
1004-72	For services other than personal, traveling expenses, necessary of- fice supplies and equipment, and rent, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	-
	Enforcement of shellfish and other marine fishery laws:		
1004-81	For personal services for the admin- istration and enforcement of laws relative to shellfish and other ma- rine fisheries, and for regulating the sale and cold storage of fresh food fish, including not more than sixteen permanent positions of which not more than five shall be food inspectors regulating the sale and cold storage of fresh food fish, to be in addition to any amount heretofore appropriated for the purpose	246 85	-
1004-84	For the cost of assisting coastal cities and towns in the propaga- tion of food fish and the suppres- sion of enemies thereof, as author- ized by section twenty of chapter one hundred and thirty of the General Laws, inserted therein by section one of chapter five hun- dred and ninety-eight of the acts of the present year, to be in addi- tion to any amount heretofore appropriated for the purpose	-	\$1,000 00
1004-90	For services and expenses of the Atlantic States Marine Fisheries Commission, as authorized by chapter four hundred and eighty- nine of the acts of the present year	-	2,500 00
	Totals	\$5,746 85	\$7,000 00

Service of the Department of Banking and Insurance.

	Division of Insurance:		
1103-02	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, and including not more than one hundred and fifty-seven permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$2,790 00	\$12,740 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1103-03 For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment and rent of offices, to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00	\$3,000 00
Totals	\$4,790 00	\$15,740 00

Service of the Department of Corporations and Taxation.

1201-03 (This item omitted.)

Reimbursement for loss of taxes:

1201-05 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the years nineteen hundred and forty-one and nineteen hundred and forty-two, to be in addition to any amount heretofore appropriated for the purpose

\$5 52 \$2,000 00

Administration of new taxes:

1201-11 For personal services for the administration of certain laws levying new taxes, including not more than thirty permanent positions in the fiscal year nineteen hundred and forty-one and not more than thirty-six permanent positions in the fiscal year nineteen hundred and forty-two, to be in addition to any amount heretofore appropriated for the purpose

20,000 00 61,760 00

1201-12 For expenses other than personal services for the administration of certain laws levying new taxes, to be in addition to any amount heretofore appropriated for the purpose

4,000 00 18,300 00

Income Tax Division (the three following appropriations are to be made from the receipts from the income tax):

1202-01 For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, including not more than two hundred and sixty-three permanent positions, to be in addition to any amount heretofore appropriated for the purpose

2,000 00 3,000 00

1202-02 For services other than personal, and for traveling expenses, office supplies and equipment, and rent,

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	to be in addition to any amount heretofore appropriated for the purpose	\$7,500 00	\$3,500 00
1202-21	For expenses in connection with certain bonds filed in the state of Texas, and for legal fees, to permit suit in that state to recover judgment against Edgar B. Davis in relation to an unpaid income tax, to be in addition to any amount heretofore appropriated for the purpose	10,000 00	25,551 34
	Totals	\$43,505 52	\$114,111 34
	Appellate Tax Board:		
1204-01	For personal services of the members of the board and employees, including not more than twenty-five permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$725 00	\$550 00
1204-02	For services other than personal, traveling expenses, office supplies and equipment, and rent, to be in addition to any amount heretofore appropriated for the purpose; provided, that the amount appropriated for the rental of additional temporary space in the metropolitan district commission building shall be for such rental during the fiscal year nineteen hundred and forty-two only	-	5,850 00
	Totals	\$725 00	\$6,400 00
	<i>Service of the Department of Education.</i>		
1301-02	For personal services of officers, agents, clerks, stenographers and other assistants, including not more than forty-six permanent positions, but not including those employed in university extension work, to be in addition to any amount heretofore appropriated for the purpose	-	\$5,500 00
1301-04	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law, to be in addition to any amount heretofore appropriated for the purpose	\$500 00	900 00
	Special:		
1301-24	For printing and sale of the report of a study relative to educational and employment problems affecting the youth of the commonwealth, as authorized by chapter twenty-two of the resolves of the present year	542 00	-

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Division of Vocational Education:		
1301-31	For the training of teachers for vocational schools, to comply with the requirement of federal authorities under the provisions of the Smith-Hughes act, so called, including not more than twenty permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$1,000 00	\$1,500 00
1301-32	For the expenses of promotion of vocational rehabilitation in co-operation with the federal government, including not more than fifteen permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	3,000 00
	Reimbursement and aid:		
1301-54	For the reimbursement of certain cities and towns for a part of the expenses of maintaining agricultural and industrial vocational schools, as provided by law, to be in addition to any amount heretofore appropriated for the purpose	-	79,639 96
1301-65	(This item omitted.)		
	Division of Immigration and Americanization:		
1302-02	For other expenses, to be in addition to any amount heretofore appropriated for the purpose	800 00	800 00
	Division of Public Libraries:		
1303-02	For other services, including printing the annual report, traveling expenses, necessary office supplies and expenses incidental to the aiding of public libraries, to be in addition to any amount heretofore appropriated for the purpose	900 00	-
	Division of the Blind:		
1304-05	For the maintenance of certain industries for men, to be expended under the authority of said division, including not more than six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	4,000 00	-
	Teachers' Retirement Board:		
1305-02	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent, to be in addition to any amount heretofore appropriated for the purpose	750 00	-
1305-05	(This item omitted.)		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1306-10	Massachusetts Nautical School: For the maintenance of the school and ship, including not more than thirty-one permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$450 00	\$5,650 00
1310-34	For the maintenance of and for certain improvements at the state teachers' colleges, and the boarding halls attached thereto, with the approval of the com- missioner of education, as fol- lows: For certain repairs and improve- ments to the president's house at the state teachers' college at Hyannis	1,500 00	-
1314-21	State teachers' college at Westfield, boarding hall, including not more than one permanent position, to be in addition to any amount heretofore appropriated for the purpose	-	450 00
1341-00	Massachusetts State College: For maintenance and current ex- penses of the Massachusetts state college, with the approval of the trustees, including not more than four hundred and eighty-one per- manent positions, to be in addi- tion to any amount heretofore appropriated for the purpose . .	7,000 00	23,000 00
1341-95	Specials: For certain alterations and improve- ments to the electrical supply system, including the cost of pur- chase and installation of a new power line and transformers . .	15,000 00	-
1341-96	For rebuilding a certain dairy barn destroyed by fire, including equip- ment	20,000 00	-
1341-97	For expenses of research work in connection with the cultivation of beach plums, as authorized by chapter five hundred and thirty- four of the acts of the present year . .	-	500 00
	Totals	\$52,442 00	\$120,939 96

Service of the Department of Civil Service and Registration.

1402-02	Division of Civil Service: For other personal services of the division, including not more than one hundred and five permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	\$6,120 00
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	Division of Registration:		
1403-02	For clerical and certain other personal services of the division, including not more than thirty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	\$5,880 00
1403-03	For services of the division other than personal, printing the annual reports, office supplies and equipment, except as otherwise provided, to be in addition to any amount heretofore appropriated for the purpose	-	7,400 00
	Board of Registration in Pharmacy: -		
1407-02	For personal services of agents and investigators, including not more than four permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	180 00
	Board of Registration in Nursing:		
1408-01	For personal services of the members of the board, and of the appointive members of the approving authority, including not more than ten permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	1,470 00
1408-02	For traveling expenses, to be in addition to any amount heretofore appropriated for the purpose	-	700 00
	Board of Registration of Barbers:		
1420-02	For travel and other necessary expenses, including rent, to be in addition to any amount heretofore appropriated for the purpose	\$3,600 00	1,250 00
	Totals	\$3,600 00	\$23,000 00

Service of the Department of Industrial Accidents.

1501-03	For traveling expenses, to be in addition to any amount heretofore appropriated for the purpose	\$200 00	\$200 00
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Service of the Department of Labor and Industries.

1601-61	For clerical and other assistance for the board of conciliation and arbitration, including not more than seven permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$200 00	\$500 00
1601-72	For services other than personal, printing, traveling expenses and office supplies and equipment for		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	minimum wage service, to be in addition to any amount heretofore appropriated for the purpose	—	\$500 00
1601-82	For other services, printing, traveling expenses and office supplies and equipment for the division of standards, to be in addition to any amount heretofore appropriated for the purpose . . .	\$600 00	1,200 00
1607-01	For clerical and other personal services for the operation of free employment offices, including not more than fifty-two permanent positions, and for rent, necessary office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose . . .	281 87	390 00
	Division of Unemployment Compensation:		
1607-21	For reimbursement to the federal government for the purchase of certain equipment and for certain expenses incurred prior to February first, nineteen hundred and thirty-six . . .	3,731 23	—
	Totals . . .	\$4,813 10	\$2,590 00

Service of the Department of Mental Health.

1701-04	For other services, including printing the annual report, traveling expenses, office supplies and equipment, and rent, to be in addition to any amount heretofore appropriated for the purpose . . .	\$1,000 00	\$1,500 00
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Division of Mental Hygiene:

1702-00	For expenses, including not more than sixty-two permanent positions, of investigating the nature, causes and results of mental diseases and defects and the publication of the results thereof, and of what further preventive or other measures might be taken and what further expenditures for investigation might be made which would give promise of decreasing the number of persons afflicted with mental diseases or defects, to be in addition to any amount heretofore appropriated for the purpose . . .	—	2,500
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For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Health:

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1712-00	Danvers state hospital, including not more than five hundred and fifty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$3,500 00	\$15,000 00
1713-00	Foxborough state hospital, including not more than three hundred and thirty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	7,000 00
1715-00	Grafton state hospital, including not more than four hundred and sixty-four permanent positions, to be in addition to any amount heretofore appropriated for the purpose	6,500 00	-
1719-00	Taunton state hospital, including not more than four hundred and seventy-two permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	10,000 00
1722-00	Monson state hospital, including not more than four hundred and fifteen permanent positions, to be in addition to any amount heretofore appropriated for the purpose	3,400 00	-
	Special:		
1723-21	For certain replacements and improvements at the power plant at the Belchertown state school, including the retubing of certain boilers and the cost of purchase and installation of equipment	5,000 00	-
1725-00	Wrentham state school, including not more than four hundred and eight permanent positions, to be in addition to any amount heretofore appropriated for the purpose	3,000 00	-
	Totals	\$22,400 00	\$36,000 00

Service of the Department of Correction.

1801-06	For assistance to discharged prisoners, to be in addition to any amount heretofore appropriated for the purpose	\$200 00	-
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For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:

1802-00	State farm, including not more than three hundred and seventy-eight		
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$20,000 00	—
	Total	\$20,200 00	—
<i>Service of the Department of Public Welfare.</i>			
Division of Child Guardianship:			
1906 01	For personal services of officers and employees, including not more than one hundred and thirty-three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	—	\$10,140 00
1906 02	For services other than personal, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	—	500 00
1906 03	For the care and maintenance of children, including not more than two permanent positions, a sum not exceeding twenty-five hundred dollars for the fiscal year nineteen hundred and forty-two, to be in addition to any amount heretofore appropriated for the purpose	—	2,500 00
For the maintenance of and for certain improvements at the institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, as follows:			
1915 00	Industrial school for boys, including not more than one hundred permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00	—
1916 00	Industrial school for girls, including not more than eighty-nine permanent positions, to be in addition to any amount heretofore appropriated for the purpose	2,000 00	—
1916 21	(This item omitted.)		
1917 00	Lyman school for boys, including not more than one hundred and thirty-nine permanent positions in the year nineteen hundred and forty-one and one hundred and thirty-eight permanent positions in the year nineteen hundred and forty-two, to be in addition to any amount heretofore appropriated for the purpose	1,000 00	—
	Totals	\$5,000 00	\$13,140 00

Item	Appropriation	
	Fiscal Year 1941.	Fiscal Year 1942.

Service of the Department of Public Health.

Pondville Hospital:

2031-25	For certain replacements and improvements in the power plant .	\$100,000 00	-
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Service of the Department of Public Safety.

Administration:

2101-03	For contingent expenses, including printing the annual report, rent of district offices, supplies and equipment, and all other things necessary for the investigation of fires and motion picture licenses, as required by law, and for expenses of administering the law regulating the sale and re-sale of tickets to theatres and other places of public amusement by the department of public safety, to be in addition to any amount heretofore appropriated for the purpose	\$4,000 00	\$3,500 00
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Division of State Police:

2102-02	For personal services of civilian employees, including not more than one hundred and six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	3,750 00
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Board of Boiler Rules:

2104-32	For services other than personal and the necessary traveling expenses of the board, to be in addition to any amount heretofore appropriated for the purpose	1,700 00	-
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Totals	\$5,700 00	\$7,250 00
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Service of the Department of Public Works.

2201-01	(This item omitted.)		
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Bedford Airport:

2220-07	For expenses in connection with the acquisition of the Bedford Airport, so-called, including land damages, drainage easements, air rights and incidental expenses	\$38,000 00	-
2220-08	(This item omitted.)		

Functions of the department relating to waterways and public lands:

Special:

2220-17	For certain improvements at the Gloucester fish pier, so-called, as authorized by chapter five hundred and eighty of the acts of the present year	20,000 00	-
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Total	\$58,000 00	-
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Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Public Utilities.</i>			
2301-06	(This item omitted.)		
2301-07	(This item omitted.)		
2301-08	For stenographic reports of evidence at inquests held in cases of death by accident on or about railroads, or caused by the operation of motor vehicles for the carriage of passengers for hire, to be in addition to any amount heretofore appropriated for the purpose .	\$200 00	\$400 00
 Special Investigations:			
Item 2301-09 of chapter four hundred and nineteen of the acts of the present year is hereby amended by striking out the words "For personal services and expenses of special investigations, including legal assistants and stenographic services as needed; provided, that a sum not exceeding twenty thousand dollars shall be expended in each of the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two for an investigation of the New York, New Haven and Hartford Railroad Company", and inserting in place thereof the words "For personal services and expenses of special investigations, including legal assistants and stenographic services as needed, and any unexpended balance of the appropriation for the fiscal year nineteen hundred and forty-one shall be available for expenditure in the following year; provided, that sums not exceeding forty thousand dollars in the aggregate shall be expended for an investigation of the New York, New Haven and Hartford Railroad Company, which sums shall include expenses of the department of the attorney general in connection with said investigation."			
 Investigation of Gas and Electric Light Meters:			
2302-02	For expenses of the division of inspection of gas and gas meters, including traveling and other necessary expenses of inspection, to be in addition to any amount heretofore appropriated for the purpose	-	500 00
Totals		\$200 00	\$900 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Unclassified Accounts and Claims.</i>			
2805-01	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves . . .	\$100 00	\$1,600 00
2811-02	For the compensation of veterans who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition thereof, to be in addition to any amount heretofore appropriated for the purpose . . .	5,601 41	-
2811-03	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, to be in addition to any amount heretofore appropriated for the purpose . . .	-	1,000 00
2811-04	For the compensation of state police officers formerly in the service of the commonwealth, now retired, to be in addition to any amount heretofore appropriated for the purpose . . .	160 99	150 00
2820-03	For the payment of claims authorized by certain resolves of the present year. Said payments shall be certified by the comptroller of the commonwealth only upon the filing of satisfactory releases or other evidence that the payments are accepted as full compensation on the part of the commonwealth in respect thereto . . .	10,432 00	-
2820-04	(This item omitted.)		
2820-06	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth, to be in addition to any amount heretofore appropriated for the purpose . . .	1,195 81	-
2820-07	For reimbursement, under the direction of the attorney general, to certain persons of the amount of money paid by them into the treasury of the commonwealth for permits required by chapter three hundred and fifty-one of the acts of nineteen hundred and thirty-nine, which chapter was later held to be unconstitutional by the supreme judicial court of the commonwealth . . .	10,000 00	-
Totals		\$27,490 21	\$2,750 00
Total, General Fund		\$600,709 20	\$627,171 30

Item	Appropriation	Appropriation
	Fiscal Year 1941.	Fiscal Year 1942.

Parks and Salisbury Beach Reservation Fund.

The sum of eighteen hundred and fifty dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-one contained in Item 4034 of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year contained in Item 4012 of said chapter four hundred and nineteen, and the sum of three thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-two contained in said Item 4034 to the appropriation for the fiscal year nineteen hundred and forty-two contained in said Item 4012.

SECTION 3. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

SECTION 4. This act shall take effect upon its passage.

Approved October 24, 1941.

Chap.684 AN ACT RELATIVE TO THE MAINTENANCE AND OPERATION BY THE TOWN OF GOSNOLD OF A MUNICIPAL LIGHTING PLANT.

Be it enacted, etc., as follows:

SECTION 1. In case the town of Gosnold acquires or establishes a municipal lighting plant under the provisions of chapter one hundred and sixty-four of the General Laws, the provisions of said chapter providing for supervision and control by the department of public utilities shall not apply to said town with respect to the maintenance and operation of said plant.

SECTION 2. This act shall take effect upon its passage.

Approved October 24, 1941.

Chap.685 AN ACT CHANGING THE NAME OF THE DIVISION OF UNEMPLOYMENT COMPENSATION TO THE DIVISION OF EMPLOYMENT SECURITY, AND MAKING CERTAIN OTHER CHANGES IN THE LAW WITH RESPECT TO UNEMPLOYMENT COMPENSATION.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to prevent the receipt by the commonwealth of federal funds

for unemployment compensation and employment security, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter one hundred and fifty-one A, as amended, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 151A, stricken out and new chapter 151A, inserted.

CHAPTER 151A.

EMPLOYMENT SECURITY.

DEFINITIONS.

Section 1. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise: —

(a) "Base period", the calendar year immediately preceding the first day of the benefit year.

(b) "Benefit", the money allowance payable to an individual as compensation for his wage losses due to unemployment as provided in this chapter.

(c) "Benefit year", the twelve consecutive month period beginning on April first and ending on March thirty-first succeeding.

(d) "Board of review", the board of review established by section nine N (b) of chapter twenty-three.

(e) "Compensable week", a week for which a worker is entitled to benefits for unemployment.

(f) "Contributions", the money payments to the unemployment compensation fund required by this chapter.

(g) "Director", the director of the division of employment security established under section nine I of chapter twenty-three.

(h) "Employee", any individual employed by any employer subject to this chapter and in employment subject thereto.

(i) "Employer", any employing unit subject to this chapter.

(j) "Employing unit", any individual or type of organization including any partnership, firm, association, trust, trustee, estate, joint stock company, insurance company, corporation, whether domestic or foreign, or his or its legal representative, or the assignee, receiver, trustee in bankruptcy, trustee or successor of any of the foregoing or the legal representative of a deceased person who or which has or subsequent to January first, nineteen hundred and forty-one, had one or more individuals performing services for him or it within this commonwealth.

(k) "Employment", service, including service in interstate commerce, performed for wages or under any contract, oral or written, express or implied, by an employee for his

Definitions.

employer as provided in this section and in sections two, three, four, five, six and seven.

(l) "Employment office", the free public employment office operated by the commonwealth in the employment district in which the employee resides or is employed, or the branch or local office nearest to his place of residence or employment, unless otherwise prescribed by the director.

(m) "Employment security administration account", the account set up for the purpose of meeting the expenses of administration under this chapter.

(n) "Pay roll", the total amount of all wages for employment subject to this chapter, including wages for services otherwise excepted in section seven.

(o) "Quarter", any one of the following periods in any year:— January first to March thirty-first, inclusive; April first to June thirtieth, inclusive; July first to September thirtieth, inclusive; October first to December thirty-first, inclusive.

(p) "Quarterly wage", the amount of wages of an employee in a quarter from one or more employers.

(q) "State advisory council", the state advisory council established by section nine N (a) of chapter twenty-three.

(r) "Unemployed" and "Unemployment", an individual shall be deemed to be unemployed and in unemployment if either in "partial unemployment" or in "total unemployment" as defined in this subsection.

(1) "Partial unemployment", an individual shall be deemed to be in partial unemployment if in any week of less than full-time weekly schedule of work he has earned aggregate remuneration in an amount which is less than his weekly benefit rate to which he would be entitled if totally unemployed during said week. For the purpose of this subsection any loss of remuneration incurred by an individual during said week resulting from any cause other than failure of his employer to furnish full-time weekly schedule of work shall be considered as wages and the director may prescribe the manner in which the total amount of such wages thus lost shall be determined.

(2) "Total unemployment", an individual shall be deemed to be in total unemployment in any week in which he performs no wage-earning services whatever, and in which he earns no wages or other payment for personal services, including net earnings from self-employment, and in which, though capable of and available for work, he is unable to obtain any suitable work and cannot, reasonably, return to any self-employment in which he is customarily engaged. Services rendered in consideration of remuneration received for relief, support, or assistance, furnished or provided by any agency of the commonwealth, or of a political subdivision thereof, charged with the duty of furnishing aid or assistance, shall not be construed as wage-earning services.

(s) "Wages", every form of remuneration of an employee subject to this chapter for employment by an employer, whether paid directly or indirectly, including salaries, commissions and bonuses, and reasonable cash value of board, rent, housing, lodging, payment in kind and all remuneration paid in any medium other than cash; except that such term shall not include —

(1) More than three thousand dollars of remuneration paid to any individual by an employer with respect to employment during any calendar year.

(2) Any payment made by an employer to an employee on account of separation from the service of the employer, provided the employer is not legally bound by contract, statute or otherwise, to make such payment.

(3) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment or under a pension plan), on account of retirement, or sickness or accident disability, or medical and hospitalization expenses in connection with sickness or accident disability, or death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer, and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefits, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

(4) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under section fourteen hundred of the Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof.

(t) "Week", seven consecutive days beginning on Sunday.

Section 2. Service performed by an individual shall be deemed to be "employment" unless and until it is shown to the satisfaction of the director that such individual has been and will continue to be free from control or direction by another with respect to the performance of such services, both under his contract of service and in fact.

Service performed by individual deemed employment, when.

Section 3. The term "employment", except in such cases as the context of this chapter otherwise requires, shall include an individual's entire service, performed within, or both within and without the commonwealth, if —

Term "employment" shall include what.

(a) The service is localized in the commonwealth, or

(b) The service is not localized in the commonwealth, but some part of the service is performed in the commonwealth

and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is within the commonwealth, or (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in the commonwealth.

Localized
services
defined.

Section 4. Services shall be deemed to be localized within the commonwealth if

(a) The service is performed entirely within the commonwealth, or

(b) The service is performed both within and without the commonwealth, but the service performed without the commonwealth is incidental to the individual's service within the commonwealth; for example, is temporary or transitory in nature, or consists of isolated transactions.

Services
not within
term "em-
ployment".

Section 5. The term "employment" shall include services covered by an arrangement under provisions of section sixty-six, pursuant to which arrangement all services performed by an individual for an employing unit are deemed to be performed within the commonwealth, if the director has approved the request of the employing unit that the entire service of such individual during the period covered by such request be deemed employment subject to this chapter.

Term "em-
ployment"
not to include
certain services.

Section 6. The term "employment" shall not include:

(a) Service in agricultural labor;

(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(c) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States; provided, that the term "employment" shall include the services performed by an individual as an officer or member of the crew of a vessel of more than ten net tons, determined in the manner provided for determining registered tonnage of merchant vessels of the United States, while such vessel is engaged in the catching of fish, if and when by any act of congress such services are included within the term "employment", as defined for the purposes of subchapter C of chapter nine of the Internal Revenue Code of the United States and any acts in amendment thereof or in addition thereto, and if credit for contributions by the employer of such officer or crew member to state unemployment funds against taxes imposed by said subchapter C is then provided for by the laws of the United States;

(d) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(e) Service performed in the employ of the United States government or of an instrumentality of the United States which is wholly owned by the United States, or exempt from the tax imposed by section sixteen hundred of the Federal

Internal Revenue Code, or any acts in addition thereto and amendments thereof, by virtue of any other provision of law; provided, that if this commonwealth should not be certified by the federal social security board under section sixteen hundred and three of the United States Internal Revenue Code, or any acts in addition thereto and amendments thereof, for any year, then the contributions required of any instrumentalities of the United States government under this chapter with respect to such year shall be deemed to have been erroneously collected within the meaning of section eighteen of this chapter and shall be refunded from the clearing account in accordance with the provisions of said section eighteen.

(f) Service performed in the employ of a state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more states or political subdivisions; and any service performed in the employ of any instrumentality of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the constitution of the United States from the tax imposed by section sixteen hundred of the Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof;

(g) Service performed in the employ of a corporation, or of a community chest, fund, or foundation, so-called, organized and operated exclusively for a religious, charitable, scientific, literary or educational purpose, or for the purpose of the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(h) Casual labor not in the course of the employer's trade or business;

(i) Service performed by an individual as an employee or employee representative as defined in section one of the Federal Railroad Unemployment Insurance Act; and service with respect to which unemployment benefits are payable under an unemployment compensation system for maritime employees established by an act of Congress;

(j) Service performed in any quarter in the employ of any organization exempt from income tax under section one hundred and one of the Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof, if —

(1) The remuneration for such service does not exceed forty-five dollars, or

(2) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order or association, or

(3) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college, or university.

(k) Service performed in the employ of an agricultural or horticultural organization exempt from income tax under section one hundred and one of the Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof;

(l) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if no part of its net earnings inures (other than through such payments) to the benefit of any private shareholder or individual and eighty-five per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

(m) Service performed in the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to membership in such association is limited to individuals who are officers or employees of the United States government and no part of the net earnings of such association inures (other than through such payments) to the benefit of any private shareholder or individual.

(n) Service performed in any quarter in the employ of a school, college, or university, not exempt from income tax under section one hundred and one of the Federal Internal Revenue Code, or any acts in addition thereto and amendments thereof, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars (exclusive of room, board, and tuition);

(o) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to law; and service performed as an interne in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(p) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative); or, service performed in the employ of an instrumentality wholly owned by a foreign government and exempt under the provisions of chapter nine of the Federal Internal Revenue Code or any acts in addition thereto and amendments thereof;

(q) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service is per-

formed for remuneration solely by way of commission and such service is excluded from the term "employment" under the provisions of section sixteen hundred and seven of the Federal Internal Revenue Code or any acts in addition thereto and amendments thereof;

(r) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

Section 7. The term "employment", except as used in the definition of "payroll" in subsection (n) of section one, shall not include — Further definition of employment.

(a) Services performed by an individual while registered for a prescribed course at any educational institution on a co-operative plan of education and industrial training.

(b) Services performed during customary vacation periods by an individual who was registered for full attendance at and regularly attending an established school, college, or university, in the most recent school term and who intends to return thereto or to enter another school, college, or university as a student for the next regular term.

The provisions of this section shall not apply to an individual whose full and regular attendance or registration is for a term in which classes or study periods are conducted exclusively in evenings or at night time.

EMPLOYERS.

Section 8. Any employing unit shall be subject to the provisions of this chapter who or which, or whose agent: Employers, who are.

(a) Has employed in employment subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and thirty-seven or in the year nineteen hundred and thirty-eight at least eight individuals. Such employment shall constitute the employing unit thereof an employer hereunder as of January first of the year in which such employment occurs. The employment of four, five, six or seven individuals in employment subject to this chapter on some day in each of twenty weeks of the year nineteen hundred and thirty-eight shall constitute the employing unit thereof an employer hereunder as of January first of the year nineteen hundred and thirty-nine.

The employment of at least four individuals subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and thirty-nine, or in any subsequent year up to and including nineteen hundred and forty-two shall constitute the employing unit thereof an employer hereunder as of January first in the year in which such employment occurs.

The employment of one individual in employment subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and forty-two shall constitute

the employing unit thereof an employer as of January first of the year nineteen hundred and forty-three and the employment of one individual in employment subject to this chapter on some day in each of twenty weeks in the year nineteen hundred and forty-three or in any subsequent year shall constitute the employing unit thereof an employer as of January first of the year in which such employment occurs; or

(b) Is subject, or who during the preceding year was subject, to subchapter C of chapter nine of the Federal Internal Revenue Code or any acts in addition thereto and amendments thereof, and who employs one or more individuals within the commonwealth in employment subject to this chapter; provided, that the director shall exempt from this chapter those of employers whose inclusion would adversely affect the efficient administration and operation thereof and would tend to impair the unemployment compensation fund without obtaining for said fund any compensating advantages in connection with the payment of benefits; or

(c) Has elected to become fully subject to this chapter; or

(d) Has acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit which at the time of such acquisition was an employer; or

(e) Has acquired a part of the organization, trade, or business of another, which part, if a separate organization, trade or business, would have been an employer; or

(f) Has acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit, if the employment record of such acquiring unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same year, would be sufficient to constitute an employing unit an employer subject to this chapter.

Single em-
ploying unit.

Section 9. All individuals employed by an employing unit in all of his or its several places of employment maintained within the commonwealth shall be treated as employed by a single employing unit for the purposes of this chapter.

Election by
employing
units.

Section 10. Any employing unit of one or more individuals in employment within the commonwealth, who is not otherwise subject to this chapter, shall become fully subject hereto upon filing with the director his or its election to become fully subject hereto for not less than two years and upon the written approval of such election by the director. Upon such approval, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January first of any year subsequent to such two years, only if during January of such year such employing unit has filed with the director a written notice to that effect.

Section 11. Except as provided in section ten, no employer shall cease to be subject to this chapter except upon a written application therefor by him, which application may be filed with the director prior to March thirty-first in any year, and after a finding by the director that he has not on any day within the then last year employed four or more individuals in employment subject to this chapter, whereupon such employer shall cease to be subject hereto as of January first of the year in which such application is made.

Employers
ceasing to be
subject to
chapter, when.

Section 12. The director, upon his own motion, or upon application of an employing unit, after investigation, shall determine if an employing unit is an employer within the meaning of section eight, and if the services performed by any individual for such employer constitute employment within the meaning of this chapter, and shall notify the employing unit of such determination.

Determina-
tion of em-
ploying unit
as employer.
Hearing, etc.

Such employing unit may, within thirty days after the mailing of notice of such determination, request that the director grant a hearing for the purpose of reconsidering the facts submitted and to consider any additional information. After such hearing, the director shall affirm, modify or revoke this determination and notice of his finding shall be mailed to the employing unit.

An application for review of such finding may be taken to the board of review within fifteen days after the mailing of the notice of such finding to the employing unit. After such notice to the director and to the appellant as said board deems necessary, it shall review the action of the director, reconsider the facts submitted and consider any additional evidence presented by the interested parties and shall affirm such action unless it shall appear that it was made without proper cause, in which case the decision shall be modified or revoked. Nothing in this section shall prevent the director after a decision by the board of review from submitting newly discovered evidence to said board, whereupon it shall order a hearing upon the subject matter after giving due notice to all interested parties.

A determination by the director where no hearing has been held, a finding after a hearing, or a decision of the board of review shall, except in matters arising under sections thirty-nine to forty-three, inclusive, be conclusive for all purposes of this chapter, and, together with the record thereof, shall be admissible in any subsequent proceedings, involving liability for contributions.

The director or an employing unit aggrieved by the decision of the board of review may, within twenty days after notice of such decision has been mailed by said board, bring a petition in the municipal court of the city of Boston or in the district court in the judicial district wherein said employing unit has his or its principal place of business and have the same remedy as provided for in section forty-two

and the practices and procedure established for said section shall obtain.

If, upon a hearing in the municipal or district court, it appears that the petition for review is frivolous, immaterial, or intended for delay, the court may award against the appellant double costs.

Nothing in this section shall be construed to prevent the director, after notice to the affected parties, from reconsidering his determination that the employing unit was not subject to this chapter, when in his judgment it appears that because of newly discovered evidence or for any other reasonable cause the determination should be reconsidered.

CONTRIBUTIONS.

Contributions.

Section 13. The contributions required hereunder shall be paid to the commonwealth in such manner and at such times as the director may prescribe, and shall be paid over by the director to the state treasurer and credited by him to the unemployment compensation fund.

Employers'
contributions.
Rate of, etc.

Section 14. Each employer shall make contributions for each year at the applicable rate as set forth in this section, on so much of his payroll as is subject to this chapter; provided, that he shall make contributions only on that part of remuneration paid by him to an individual not in excess of three thousand dollars with respect to employment during any calendar year.

(a) If no rate of contribution under subsection (b) of this section applies, each employer shall make contributions for each year at the rate of two and seven tenths per cent of his payroll; provided, that he shall make contributions only on that part of the remuneration paid by him to an individual not in excess of three thousand dollars with respect to employment during any year.

(b) (1) For each calendar year, commencing after three immediate preceding consecutive calendar years throughout which he has been charged or could have been charged with benefit wages, the contribution rate of such employer shall be determined as hereinafter provided.

(2) When, in any calendar year, beginning not earlier than nineteen hundred and thirty-nine, a worker is paid benefits for the first compensable week of unemployment with respect to the benefit year to which the claim applies, his wages from each employer during his base period shall be termed "worker's benefit wages" and shall be treated for the purposes of this subsection as if they had been paid in the year in which the first week of benefits is paid. "Worker's benefit wages" when used with respect to benefits paid for the first compensable week of unemployment on claims originally arising in the year nineteen hundred and thirty-nine or in the year nineteen hundred and forty prior to April first shall include the wages not in excess of one thousand dollars in

those quarters upon which the benefits available to the claimant were computed, assignable to the year nineteen hundred and thirty-nine or the year nineteen hundred and forty in accordance with this subsection. For the purpose of this subsection, benefit wages charged against each employer shall include only that part of wages not in excess of one thousand dollars paid by him in a base period.

(3) The "employer's benefit wages" for a given calendar year shall be the total of the benefit wages of all of his former workers assignable to such employer and to such calendar year in accordance with paragraph (2) hereof.

(4) The benefit wage ratio of each employer for a given calendar year shall be a percentage equal to the total of his benefit wages for the three most recently completed calendar years, divided by that part of his total payroll for the same three years, with respect to which contributions have been paid to the division on or before January thirty-first of the successive calendar years, respectively, or, in the alternative, on or before the date, but not later than March thirty-first, in any event, to which extension for such payment shall have been granted.

(5) For any calendar year the "state experience factor" shall be a percentage determined by dividing the total benefits paid from the commonwealth's benefit account during the three most recently completed calendar years by the total benefit wages of all employers during the same three completed calendar years, provided that any fractional percentage resulting therefrom shall be raised to the next higher multiple of one per cent. The state experience factor shall be determined for each year prior to March thirty-first thereof.

(6) The contribution rate for each employer for a given calendar year shall be determined and the employer notified thereof not less than ten days prior to the due date of the first contribution for the year. It shall be determined from the following table on the same line as the current state experience factor and shall be the rate appearing at the head of the lowest numbered column in which appears a percentage equal to or in excess of such employer's benefit wage ratio. If no percentage equal to or in excess of such benefit wage ratio appears on said line the employer's contribution rate shall be two and seven tenths per cent but not in excess thereof.

TABLE.

State Experience Factor.	EMPLOYER'S BENEFIT WAGE RATIO.					
	Col. 1 ½% con. rate.	Col. 2 1% con. rate.	Col. 3 1½% con. rate.	Col. 4 2% con. rate.	Col. 5 2½% con. rate.	Col. 6 2½% con. rate.
1%	50%	100%	150%	200%	250%	Benefit wage ratio in excess of Col. 5
2	25	50	75	100	125	
3	17	33	50	66	83	
4	13	25	38	50	63	
5	10	20	30	40	50	
6	8	17	25	34	42	
7	7	14	21	29	36	
8	6	13	19	25	31	
9	6	11	16	22	28	
10	5	10	15	20	25	
11	5	9	14	18	23	
12	4	8	13	17	21	
13	4	8	12	15	19	
14	4	7	11	14	18	
15	3	7	10	13	17	
16	3	6	9	12	16	
17	3	6	9	12	15	
18	3	6	8	11	14	
19	3	5	8	11	13	
20	3	5	8	10	13	
21	2	5	7	10	12	
22	2	5	7	9	11	
23	2	4	7	9	11	
24	2	4	6	8	10	

(c) If the unemployment compensation fund available for benefits becomes less than the amount of the benefit expense in that year of the most recent calendar years not exceeding ten in which the highest benefit expense was paid the director and council shall make a declaration to that effect. Effective the quarter following such declaration, the lowest four rates of employer contribution shall each be advanced one half of one per cent, and the two and one half per cent rate advanced to two and seven tenths per cent. Should such unemployment compensation fund after such increased rates have been in effect for two or more calendar quarters continue to be less than such highest benefit expense for such calendar year, the director and council shall so declare. Effective the quarter following such announcement, all employer contribution rates shall be raised to two and seven tenths per cent of such pay roll as is subject to this chapter. Whenever such unemployment compensation fund becomes more than an amount equal to one and one half times the amount of such highest benefit expense for such calendar year, the rates in the table shall become effective the quarter following the declaration by the director and council.

(d) Any employer may apply to the director for a review as to the determination of his benefit wage ratio, provided such application is filed within one year of the date of such determination.

Section 15. (a) If any employer fails to pay when due any amount required of him under this chapter, such overdue amount shall carry interest at the rate of six per cent per

annum from the due date until paid, or the director may assess upon such employer in lieu of such interest a penalty of five dollars a day for one or more days, but not exceeding the number of days during which such employer is in default.

(b) The director may collect such overdue amounts, together with such interest or such penalty, in an action of contract in the name of the commonwealth commenced within three years from January thirty-first next succeeding the determination by him that the employer was liable for such amount, interest or penalty, but in no event shall an employer be liable for contributions due more than three calendar years prior to bringing suit. Such actions shall be given precedence over other civil cases except petitions for review arising under section forty-two.

(c) In addition to any other remedy provided by law, the director may, after giving to an employer whom he finds to be in default in any payment of contributions, interest or penalties assessed in lieu thereof provided by this chapter at least twenty days written notice by registered mail, addressed to his last known place of business or address, of the amount of such contributions, interest or penalties and that he intends to seek judgment therefor in the district court, file in the office of the clerk of the district court within the judicial district of which the employer has a usual place of business a statement setting forth the name and last known address of said employer, the amount of the contributions, interest and penalties due and that the director has complied with all the provisions of this chapter in relation to the computation and levy of said contributions, interest or penalties, with a request that judgment be entered against the employer in the amount of the contributions, interest and penalties set forth. Such statement and request shall be filed on a regular return day of said court and the notice to the employer shall specify the return day upon which they are to be filed. Upon the filing of such statement and request, judgment shall be entered forthwith for the director in the amount of the contributions, interest and penalties specified in the statement. Execution shall issue on judgments under this section in the same manner as in actions at law.

(d) The employer may, prior to said return day, pay the amount specified in such notice and shall thereupon have the right to file, within ninety days of said payment, a claim against the division for all or part of such amount and to recover so much thereof as may have been erroneously assessed or paid, such claim to be brought and prosecuted in the district court within the judicial district of which is located the principal place of business of the employer, or if his principal place of business is not located in the commonwealth, in the municipal court of the city of Boston. If the employer prevails the chief justice of the municipal court of the city of Boston, or the presiding justice of the district court, as the case may be, shall certify to the director the amount found to have been erroneously assessed or paid and

the said amount shall be repaid from the clearing account. No interest or costs shall be taxed against the commonwealth.

Judgments,
etc., a lien
on assets of
employer.

Section 16. Judgments recovered under any provision of section fifteen and overdue contributions, with interest thereon or penalties assessed in lieu thereof, shall, until collected, be a lien against the assets of the employer, subordinate, however, to claims for unpaid wages and prior recorded liens; provided, that no lien created by this section shall be valid against a subsequent purchaser or mortgagee in good faith and for value of land of such employer, or against a subsequent attaching creditor of land of such employer, unless and until there shall have been recorded in the registry of deeds for the county or district wherein the land lies a notice by the director of such lien, which notice shall state the name of the employer, the address of his principal place of business within the commonwealth, and the total amount then unpaid of the aforesaid overdue contributions, and interest thereon or penalties assessed in lieu thereof or of said judgment. If the land affected is registered land, the pertinent provisions of chapter one hundred and eighty-five shall apply. Such lien may be enforced or dissolved in the manner provided in chapter two hundred and fifty-four for enforcing or dissolving liens on buildings and land.

No recording fee shall be paid by the director for filing a notice of lien under this section.

Priority of
lien.

Section 17. Contributions and interest thereon or penalties assessed in lieu thereof, shall have priority over all other claims against an employer, except wage claims.

Refunds, etc.
Procedure.

Section 18. If, within three years after any contribution has been paid, a person who has paid such contribution, interest thereon or penalty assessed in lieu thereof, shall make application for an adjustment or refund thereof, and if the director shall determine that such contribution, interest or penalty, or any portion thereof, was erroneously collected, the director shall allow such person to make an adjustment thereof in connection with a subsequent payment, or shall authorize the refund of said amount, without interest, in which latter event such refund shall be made from the clearing account.

Within nine months after the receipt by the applicant of written notice from the director that he has denied an application for a readjustment or a refund of any contribution in whole or in part, which application has been filed by an applicant who has paid a contribution under this chapter, such applicant, in addition to any other remedy which he may have, may bring an action of contract against the director to recover the whole or any part of such contribution. Such action may be brought in the district court in the judicial district of which, or in the superior court for the county in which, the employer lives or has his principal place of business, or in the municipal court of the city of Boston. In case the court shall find that the whole or any part of such

contribution was excessive or has been collected or imposed incorrectly or unlawfully the court shall enter judgment accordingly in favor of the applicant and against the director but to be repaid out of the clearing account, and such judgment shall be so paid. No applicant shall be entitled to the remedy provided in this paragraph upon any issue which has been raised in a proceeding brought under any provision of paragraph (d) of section fifteen.

If, within three years after any contribution has been paid, the director shall determine that an employer has paid insufficient contributions, interest thereon or penalty assessed in lieu thereof, the director shall require such employer to make an adjustment thereof, with interest, in connection with a subsequent payment, or an additional payment, with interest.

Interest under this section shall not be exacted unless such interest amounts to one dollar or more.

Section 19. No final payment shall be made by the commonwealth, or by any agency or instrumentality thereof, or by any city, town or county to a foreign corporation or to a non-resident having no usual place of business within the commonwealth for or on account of services performed within the commonwealth except upon certificate filed by the director with the state comptroller, county, city or town treasurer, or appropriate disbursing official of any other political sub-division of the commonwealth, that the foreign corporation or non-resident is subject to the provisions of this chapter and has paid or made arrangements satisfactory to the director for payment of contributions due thereunder, or that the director has determined upon evidence satisfactory to him that said services performed within this commonwealth are not employment under the provisions of this chapter.

Final payments to foreign corporations, etc., regulated.

Section 20. (a) The director, with the approval of the state advisory council, may enter into agreements of compromise with an employer in respect to any contributions, penalties and interest due thereunder wherein it is determined by the director that there exists an inability on the part of the employer to make full payment of contribution with interest or penalty thereon, and that said employer has acted in good faith in all his relations with the division, and failure to compromise may result in termination of the employer's business and in loss of employment.

Compromise as to contributions, penalties, etc.

(b) When any compromise or agreement is made under provisions of this section, there shall be placed on file in the office of the division an opinion of the director stating the reasons therefor with a statement of the amount of contribution due, the amount of interest and additional penalty imposed by the director in consequence of the neglect or delinquency of the employer involved and the amount actually paid in accordance with the terms of the compromise. A copy of said opinion and statement shall be filed with the state advisory council.

(c) The provisions of subsections (a) and (b) of this section shall not apply to an employer where there is an unemployment excise tax due on the same services under provisions of the Internal Revenue Code, unless said agreement of compromise shall be contingent upon an agreement or compromise substantially similar in terms having been concluded under provisions of the Internal Revenue Code as to federal unemployment taxes, and evidence satisfactory thereof to the director having been placed on file in the office of the division.

(d) Such agreement or compromise shall be final and conclusive except upon a showing of fraud, malfeasance or misrepresentation of a material fact.

Contributions
deductible
from gross
income.

Section 21. Contributions made by employers in accordance with this chapter shall be considered ordinary and necessary expenses of the business of the employer, and deductible from gross income from professions, employments, trades or businesses returnable for taxation under chapter sixty-two, or from corporate income returnable for taxation under chapter sixty-three.

BENEFITS.

Benefits,
how paid.

Section 22. Benefits shall be payable from the unemployment compensation fund to any individual eligible for benefits under this chapter. Such benefits shall be paid, through the employment offices operated by the commonwealth or such other agencies of the division of employment security as the Federal Social Security Board or its successor may approve, at such times and in such manner as the director shall prescribe.

Waiting
periods, how
determined.

Section 23. Benefits shall be paid to an eligible individual for no more than his weeks of unemployment subsequent to a waiting period, the duration of which shall be determined as follows:

(a) A totally unemployed individual, and an individual who is in partial unemployment and who registers at an employment office or other place of registration maintained or designated by the director or has otherwise given notice of his unemployment in accordance with the procedures prescribed by the director, shall be eligible for benefits for unemployment subsequent to a waiting period sustained with respect to the benefit year to which the claim applies, which benefit year includes the week for which he claims payment for benefits. Said waiting period shall consist of two weeks of total unemployment, four weeks of partial unemployment or any combination of weeks in which there occurs one week of total and two weeks of partial unemployment. No benefits shall be or become payable during said waiting period. The weeks need not be successive.

(b) With respect to an individual in total unemployment who has registered or given notice as required by this section the waiting period shall commence on the Sunday nearest

the date of registration. With respect to an individual in partial unemployment, such waiting period shall commence on the Sunday next but one preceding such registration or notice; provided, that in the case of an individual in partial unemployment the director may prescribe an earlier Sunday on which such period shall commence.

(c) There shall not be counted towards the required waiting period of an individual any week in which he fails to comply with the requirements of this section and of sections twenty-four and twenty-five.

(d) There may be counted toward the required waiting period of an individual any week in which he receives remuneration on a subsistence basis for services rendered to a state or federal agency designed or created to relieve unemployment.

(e) For the purpose of this section, a week of unemployment of an individual shall be counted toward the waiting period or for benefit purposes only if such week occurs subsequent to the date on which his employer satisfied the conditions which rendered him an employer subject to this chapter.

Section 24. An individual, in order to be eligible for benefits under this chapter, shall — Eligibility
for benefits.

(a) Have been paid wages in his base period of not less than one hundred and fifty dollars.

(b) Be capable of and available for work and unable to obtain work in his usual occupation or any other occupation for which he is reasonably fitted; and

(c) Have given notice of his unemployment, by registering either in a public employment office or in such other manner, and within such time or times, as the director shall prescribe, and have given notice of the continuance of his unemployment and furnished information concerning wages and compensation received by him during such time for any employment, whether subject to this chapter or not, in accordance with the procedures prescribed by the director.

Section 25. No waiting period shall be allowed and no benefits shall be paid to an individual under this chapter for — When waiting
period and
benefits not
allowed.

(a) Any week in which he fails without good cause to comply with the registration and filing requirements of the director. The director shall furnish copies of such requirements to each employer, who shall notify his employees of the terms thereof when they become unemployed. Any failure to furnish information accurately concerning any material fact, including amounts of wages and compensation received, as provided in subsection (c) of section twenty-four, may, at the discretion of the director disqualify the individual furnishing such inaccurate information from serving a waiting period or receiving any benefits for not more than ten compensable weeks subsequent to the time of furnishing such inaccurate information or of the discovery that such inaccurate information was so furnished.

(b) Any week with respect to which the director finds that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which he was last employed; provided, that this subsection shall not apply if it is shown to the satisfaction of the director that —

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and that

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute; provided, that if, in any case, separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department may, for the purposes of this subsection, be deemed a separate factory, establishment or other premises.

(3) For the purposes of this chapter, the payment of regular union dues or assessments shall not be construed as participating in or financing or being directly interested in a labor dispute.

(c) Any week in which an otherwise eligible individual fails, without good cause, to apply for suitable employment whenever notified so to do by the employment office, or to accept suitable employment whenever offered him, and for so many of the next four consecutive weeks as the director shall determine from the circumstances in each case in addition to the waiting period provided in section twenty-three, and the duration of benefits for unemployment to which the employee would otherwise have been entitled may thereupon be reduced for so many weeks, not exceeding four, as the director shall determine from the circumstances of each case.

“Suitable employment”, as used in this subsection, shall be determined by the director, who shall take into consideration whether the employment is detrimental to the health, safety or morals of an employee, is one for which he is reasonably fitted by training and experience, including employment not subject to this chapter, is one which is located within reasonable distance of his residence or place of last employment, and is one which does not involve travel expenses substantially greater than that required in his former work.

No work shall be deemed suitable, and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions: —

(1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(2) If the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If acceptance of such work would require the individual to join a company union or would abridge or limit his right to join or retain membership in any bona fide labor organization or association of workmen.

(d) Any period with respect to which he is receiving or has received or is about to receive remuneration in the form of (1) payments in lieu of dismissal notice; (2) vacation allowances; (3) compensation for partial or total disability under the Workmen's Compensation Law of any state or under any similar law of the United States, but not including payments for certain specified injuries under section thirty-six of chapter one hundred and fifty-two; or payments for similar specified injuries under workmen's compensation laws of any state or under any similar law of the United States; or (4) a primary insurance benefit under Title II of the Social Security Act, or similar old age benefits under any act of Congress.

(e) The period of unemployment next ensuing after an individual has left his employment;

(1) Voluntarily without good cause attributable to the employing unit or its agent, or

(2) By discharge shown to the satisfaction of the director to be attributable solely to deliberate misconduct in wilful disregard of the employing unit's interest.

Section 26. No waiting period shall be served and no benefits shall be paid under this chapter to an individual for any week with respect to which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law or employment security law of any other state or of the United States; provided, that, if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this section shall not apply.

Benefits from other sources.

Section 27. No waiting period may be served and no benefits shall be paid for the period of unemployment next ensuing after an individual has become unavailable for work because of pregnancy; provided, that in no event shall a waiting period be served or benefits paid for the two weeks prior to or the four weeks next ensuing after the date of birth of the child.

Pregnancy.

Section 28. Wages earned for services defined in subsection (i) of section six irrespective of when performed, shall not be included in determining eligibility for benefits under this chapter for the purposes of any benefit year commencing after July first, nineteen hundred and thirty-nine, nor shall any benefits with respect to unemployment occurring on or after said July first, nineteen hundred and thirty-nine, be payable on the basis of such wages.

Federal Railroad Unemployment Insurance Act.

Section 29. (a) An individual in total unemployment and otherwise eligible for benefits shall be paid for each week of unemployment an amount based on the highest quarterly wage of his base period as provided in the following table: —

Amount of benefits.

Total Wages Paid in Highest Quarter.	Weekly Benefit Rate.
\$159 99 or less	\$6 00
160 00—\$179 99	7 00
180 00— 199 99	8 00
200 00— 219 99	9 00
220 00— 239 99	10 00
240 00— 259 99	11 00
260 00— 279 99	12 00
280 00— 299 99	13 00
300 00— 319 99	14 00
320 00 and over	15 00

(b) An individual in partial unemployment and otherwise eligible, shall be paid the difference between the aggregate remuneration he has earned during each week of partial unemployment and the weekly benefit rate to which he would have been entitled if totally unemployed. Said partial benefit shall be raised to the next highest dollar if it includes a fractional part of a dollar.

Maximum
benefits
payable.

Section 30. The total benefits which an unemployed individual may receive during his benefit year shall be an amount equal to thirty per cent of his wages in the base period, or an amount equal to twenty times his benefit rate, whichever is the lesser. If such amount includes a fractional part of a dollar, it shall be raised to the next highest dollar.

Re-employ-
ment and
exhaustion of
benefits, etc.

Section 31. (a) An individual who on April first of any year is or was serving a waiting period or who is receiving consecutive payments for compensable weeks shall be paid benefits if otherwise entitled thereto in accordance with the law in effect at the time the individual registered until such time as the individual becomes re-employed or has exhausted his benefits or otherwise becomes ineligible. When such an individual has become re-employed or exhausted his benefits or become otherwise ineligible, he shall thereafter be ineligible for benefits until he shall have again registered and served a waiting period as provided herein.

(b) If such an individual shall register and serve a waiting period and again become eligible for benefits, there shall be deducted from the aggregate amount of benefits to which he would be entitled during the current benefit year the amount of benefits previously paid to him for weeks of unemployment during the current benefit year. In no event shall an individual be entitled to receive within any benefit year benefits in excess of the amount set forth in section thirty.

Modified
benefits, etc.,
in certain
instances.

Section 32. If in any six months' period the amount paid in benefits from the unemployment compensation fund has exceeded the income, or if, in the judgment of the director, the reserves in said fund are in serious danger of depletion, the director may declare an emergency and announce a modified scale of benefits, an increased waiting period, or other changes in the requirements regarding eligibility for receipt of benefits which he may deem necessary to maintain the reserves of said fund.

Section 33. Wherever in any industry, employment or occupation, or branch thereof, because of its seasonal nature, it is customary to operate only during a regularly recurring period or periods of less than forty weeks in length, and whenever there are individuals employed in such industry, employment or occupation who are not ordinarily employed during the year in any other work, the director may, for the purposes of this chapter, ascertain, and determine, or re-determine, after investigation, such seasonal period or periods for each such seasonal industry, employment or occupation, or branch thereof. When the director has determined such seasonal period or periods, he shall also fix the right to benefits and the conditions required for the payment of benefits to such individuals, and shall so modify the requirements for eligibility to benefits and the conditions required for payment thereof that such individuals will receive benefits in reasonable proportion to the length of time during which they have been employed in such industry, employment or occupation. For the purposes of this chapter, no industry, employment or occupation or branch thereof shall be deemed seasonal until the director shall have made such a determination.

Seasonal occupations, etc.

Section 34. An individual who, owing to personal circumstances, is unable or unwilling to work the usual full time, and who normally works less than the full time prevailing in his place of employment and in the type of employment in which he is engaged, may register as a part-time worker in such manner as the director may prescribe. The director may fix the conditions required to qualify for benefits in such cases and may suitably modify the provisions of section twenty-four, and shall also fix proportionately maximum and minimum benefits in place of the maximum and minimum amounts provided in sections twenty-nine and thirty.

Part-time workers.

Section 35. No agreement by an individual to waive his right to benefit or any other right under this chapter, or to pay all or any portion of the contributions required hereunder from his employer, shall be valid. No employer shall make, or permit or require, any deduction from wages or salary of an employee to finance in whole or in part the contributions required of the employer, or require any waiver by an employee of any right hereunder. The director may make orders for the enforcement of this section, and shall cause all violations thereof and of this section to be prosecuted.

Agreement to waive right to benefits invalid.

Section 36. Benefits which are or may become due under this chapter shall not be assigned, pledged, encumbered, released, commuted or trusteeed before payment; and when paid shall, as long as they are not mingled with other funds of the beneficiary, be exempt from all claims of creditors, and from levy, execution and attachment or other remedy now or hereafter provided for the recovery or collection of debt, which exemption may not be waived.

Benefits not to be assigned, pledged, etc.

Attorneys'
fees, etc.

Approval of.

Section 37. No fee shall be charged in any proceeding under this chapter by the director for any of his agents or representatives.

In any proceeding under this chapter a party may be represented by an agent or attorney. No fees for the services rendered by such agent or attorney to an individual claiming benefits shall be allowable or payable unless the amount thereof shall have been previously approved by the director, except in proceedings arising under sections forty and forty-one when such fees shall be so approved by the board of review. Whoever exacts or receives any remuneration or gratuity for any services rendered on behalf of a benefit claimant under this chapter, except as authorized by this section, or who solicits the business of appearing on behalf of such a benefit claimant, or who makes it a business to solicit employment for another in connection with the making of any claim for benefits under this chapter, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

CLAIMS AND APPEALS.

Benefit claims,
where and
how filed.

Section 38. Benefit claims shall be filed at the employment office at which the claimant has registered as unemployed. The director shall prescribe the form, the time, and the manner in which such claims, other than disputed claims, shall be filed. The director shall also prescribe the form and manner in which reports on claims required from the claimant and from the employing units shall be presented, and the conduct of hearings, other than those on appeals. Such procedure shall be designed to ascertain the substantive rights of the parties involved, without regard to common law or statutory rules of evidence and other technical rules of procedure. Notice of a claim so filed shall be given promptly by the director or his authorized representative to the most recent employing unit of the claimant and to such other persons as the director may prescribe. If such employing unit or person has reason to believe there has been misrepresentation or has other reasons which might affect the allowance of said claim, it or he shall return the said notice to the director with the reasons stated thereon within five days after receipt but in no case more than seven days after mailing of said notice, in accordance with the procedure prescribed by the director. For the purposes of this section, it shall be deemed that said notice has been returned as of the date indicated by the postal cancellation stamp thereon. The director may require the return by an employing unit or interested person of any such notice of claim together with such information concerning the basis of said claim as he may request. Failure to return said notice and information within the time provided in this section or prescribed by the director shall bar the employing unit or other interested party from being a party to further proceedings

relating to the allowance of the claim, and wilful failure to return it within such time shall be subject to the penalties provided in section forty-seven.

Section 39. The director or his authorized representative shall promptly determine, in accordance with the procedure established by the director, and after making such inquiries and investigation as he deems necessary, whether or not the claim is valid and the amount, if any, of the benefits payable thereunder, and shall promptly give notice of such determination, together with the reasons therefor, to the claimant, and in the event that the claim is declared valid, shall give notice to any employing unit or other interested person who shall have returned notice in accordance with section thirty-eight. In accordance with the procedure prescribed by the director, benefits shall be paid or denied, unless an application for a review is filed in accordance with section forty. Default in payment of contributions by an employer shall not in any manner adversely affect the rights of any employee otherwise eligible for benefits.

Determination
of validity
of claim.

Section 40. A claimant or interested party may, within five days after receipt, but in no case more than seven days after mailing to him of notice of the determination, file an application for a review of such determination by the board of review.

Application
for review.

Section 41. Unless such application for a review is withdrawn, the board of review, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decisions of the director or his authorized representative. The board of review may appoint one or more examiners, selected in accordance with section nine K of chapter twenty-three, to conduct such hearings, and the decision of any examiner so appointed shall be deemed to be the decision of the board of review from the date of the filing thereof with the director, unless the said board, on its own motion or on application duly made to it, modifies or rescinds such decision. The board shall give notice to the parties of its decision with its reasons therefor by mailing to each party at his last known address postage prepaid a copy of such decision and reasons. In lieu of such mailing, such copy may be delivered. No member or representative of the said board shall participate in any case in which he is an interested party. The manner in which disputed claims shall be presented, and the conduct of hearings on appeals, shall be in accordance with regulations prescribed by the board of review for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. Such regulations shall include provision for the following:—

Hearings by
board of
review.
Notice, etc.

- (a) Reasonable notice of the time and place of the hearing to all parties in order to permit adequate preparation;
- (b) The right of representation by an agent or counsel;
- (c) The right to produce evidence and offer testimony, examine and cross-examine witnesses;

(d) Making information in the reports submitted to the director available to the claimant at the hearing to the extent necessary for the proper presentation of his claim.

A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed. Unless action is taken under section forty-two, the decision of the board of review shall be final on all questions of fact and law, and the director shall thereupon authorize the payment of the benefits, if any, found payable.

Jurisdiction
of district
courts.

Appeal to
supreme court.

Section 42. The director or any interested person aggrieved by any decision of fact or of law in any proceeding under section twelve or sections thirty-eight and thirty-nine may, after exhaustion of other appellate remedies provided under sections forty and forty-one, present certified copies of such decision of the board of review and all papers in connection therewith to the district court for the district in which he resides, or to the municipal court of the city of Boston, and if so presented to the municipal court of the city of Boston, the court may, upon a motion of any party in interest, order the case removed to the district court in the judicial district in which any of the parties in interest reside. The court shall thereupon render a decision or decree in accordance therewith and notify the parties. Such decision or decree shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though rendered in an action duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact, and except that there shall be no appeal from any decision or decree based upon any decision of the board of review which has not been presented to the court within twenty days after notice of the filing thereof by the said board of review. An appeal may be taken by an aggrieved party to the supreme judicial court on questions of law. The director shall thereupon enter an order in accordance with the decision or decree of the court. The director shall be deemed to be a party to any proceeding hereunder involving any such decision. The hearing of such appeal shall be given precedence over other civil matters pending in said court.

The supreme judicial or superior court, upon a bill in equity brought by the director against a claimant and all other interested persons, may determine any question of law arising upon any claim arising under section thirty-eight.

Director to
be represented
by attorney
general.

Section 42A. In any action to enforce any provision of this chapter, or any criminal proceedings thereunder, the director shall be represented by the attorney general, or by any attorney at law designated by the attorney general for such purpose.

Powers of
director, etc.,
to summons
witnesses, etc.

Section 43. In the discharge of the duties prescribed by this chapter, the director and the members of the board of review and of the state advisory council, or the duly authorized representative of any of them, shall have the power to

administer oaths, take depositions, certify to official acts, and require by summons the attendance of witnesses and the production of books, papers, documents and records. Witnesses so summoned shall be paid for attendance and travel the same fees as witnesses in civil actions before the courts. Such fees shall be paid from the employment security administration account. In case of refusal to obey a subpoena issued to any person under authority of this chapter, any court of the commonwealth, within the jurisdiction of which the inquiry is carried on or the person so refusing to obey is found or resides or transacts business, may, upon application by the director or his duly authorized representative or the board of review, issue to such person an order requiring him to appear before the director, or his duly authorized representative or the board of review, as the case may be, to produce evidence if so ordered or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. No person shall be excused from giving testimony, or from producing any book, record, document or other paper, pertinent to the matter in question, in any investigation or inquiry by, or upon any hearing before, the director or the board of review or the duly authorized representative of the director or said board, when ordered to do so by the director, or said board, or such representative, respectively, upon the ground that the testimony or the book, record, document or other paper required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subject to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which, after claiming his privilege, he shall by order have testified or produced documentary evidence, except for perjury committed in giving such testimony or forgery committed by him in such documentary evidence.

RECORDS AND REPORTS.

Section 44. (a) The director shall maintain a separate account for each employer, crediting his account with all the contributions which he has paid during each year.

Accounts for
employers.
Records, etc.

(b) The director shall maintain suitable records for each employee on which may be recorded his quarterly wages and such other pertinent information as the director may prescribe.

(c) The director may destroy or dispose of any records, reports, claims, or other papers which, in his opinion, are no longer of any value to the division, and he may make such summaries or compilations, photographs, duplications or reproductions of any such records, reports, claims or other papers, which he deems advisable to preserve the information contained therein and such summaries, compilations, photographs, duplications or reproductions shall be admis-

sible in evidence in any proceeding in any court of the commonwealth if the original would have been admissible therein.

Records of
employing
units.

Section 45. Every employing unit shall keep true and accurate records of all individuals employed by him and such other information as the director deems necessary for the effective administration of this chapter. Such records shall be open to inspection by the director or his authorized representatives at any reasonable time. The director may require from any such employing unit such reports on wages, hours, employment, unemployment and related matters concerning his employees as the director deems necessary for the effective administration of this chapter, and every such employing unit shall fully, correctly and promptly furnish to the director all information required by him to carry out the purposes and provisions of this chapter. The director may require that such information be verified under oath, which may be administered by the director, or any person thereto authorized by him.

Information
to be con-
fidential.

Section 46. Information secured pursuant to this chapter, shall be confidential and for the exclusive use and information of the division in the discharge of its duties hereunder. Such information shall not be open to the public, nor shall it be used in any action or proceeding unless the division or the commonwealth is a party to such action or proceeding, or unless such action or proceeding is in the nature of a criminal prosecution under some provision of federal law, but any employer or claimant, upon request, shall be supplied by the division with information concerning his own record which is necessary to him in his relations with the division. Whoever, except with authority of the director or pursuant to his rules and regulations, or as otherwise required or authorized by law, shall disclose the same, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both; provided, that nothing herein shall be construed to prevent the director from complying with the provisions of section sixty-four or from conducting any investigation he deems relevant in connection herewith, nor to prevent the director from publishing in statistical form the results of any such investigations without disclosing the identity of the individuals involved.

PENALTIES.

Penalties.

Section 47. Whoever wilfully makes a false statement or representation to obtain or increase any benefit or other payment under any provision of this chapter, either for himself or for any other person, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not more than thirty days, or both. Each such false statement or representation shall constitute a separate offence.

Any employing unit, or any officer or agent of an employing unit, who wilfully makes a false statement or representation to avoid or reduce any contribution or benefit payment required of such employing unit under any provision of this chapter, or who wilfully fails or refuses to pay any such benefit or contribution, or to furnish any report or information duly required by the director under any provision of this chapter, or makes or requires any deduction from wages to pay any portion of the contributions required from employers under any provision of this chapter, or attempts by threats or coercion of any kind to induce any individual to waive any rights under any provision of this chapter, shall be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment for not more than ninety days, or both; and each such false statement or representation, each such deduction from wages and each such attempt to coerce, shall constitute a separate and distinct offence. If such employing unit or the employer of such officer or agent is a corporation, the president, the secretary and the treasurer, or officers exercising corresponding functions, shall each be subject to the aforesaid penalties for any violation of any provision of this section, of which they, respectively, had knowledge or, in the proper exercise of their duties, ought to have had knowledge.

Any person convicted of a violation of any provision of this chapter or of a violation of any order, rule or regulation of the director or of the division made under the authority of any provision of this chapter, the punishment for which is not otherwise provided, shall be punished by a fine of not more than fifty dollars for the first offence, and, for any subsequent offence within a period of two years immediately following his final conviction of a like offence by a court of the commonwealth, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than two years, or both.

The director or his authorized representative may make complaint against any person for a violation of any provision of this section, within three years after the date of such violation. All fines collected under this section shall be paid to the director and credited to the unemployment compensation fund.

UNEMPLOYMENT COMPENSATION FUND.

Section 48. There is hereby established, separate and apart from all public moneys or funds of the commonwealth, an unemployment compensation fund, which shall be administered by the director without liability on the part of the commonwealth beyond the amounts credited to and earned by the fund.

Unemployment compensation fund.

This fund shall consist of —

All contributions and moneys paid into the state treasury and credited to the fund as provided in this chapter; all

property and securities acquired by and through the use of moneys belonging to the fund and all interest thereon, less payments therefrom under this chapter, and excepting refunds of sums erroneously paid into the fund, and except for refunds paid in accordance with the provisions of section sixteen hundred and six (b) of the Federal Unemployment Tax Act and acts in amendment thereof and in addition thereto.

All moneys in the fund shall be pooled and available to pay benefits under this chapter irrespective of the source of such moneys.

No rights
conferred on
persons.

Section 49. No person shall be or be deemed to be vested with any property or other right by virtue of the enactment of this chapter.

Duties of state
treasurer.

Section 50. (a) The state treasurer shall be, ex officio, the treasurer of the unemployment compensation fund.

He shall maintain within the unemployment compensation fund two separate accounts as follows: —

(1) A clearing account in which the director, immediately upon their receipt, shall deposit all moneys payable to the fund.

(2) An unemployment compensation fund account.

(b) All money in the clearing account after clearance thereof, and excepting payment of refunds as provided in sections eighteen and forty-eight, shall be deposited by the state treasurer immediately with the secretary of the treasury of the United States of America to the credit of the account of the commonwealth in the unemployment trust fund, established and maintained pursuant to section nine hundred and four of the Social Security Act, as amended, any provisions of the general laws relating to the deposit, administration, release or disbursement of moneys in the possession or custody of the commonwealth to the contrary notwithstanding.

Requisitions
from funds.

Section 51. The state treasurer shall from time to time requisition from said unemployment trust fund such amounts, not exceeding the amounts standing to the commonwealth's account therein, as the director deems necessary for the payment of benefits for a reasonable future period, and transfer such moneys to the director.

Moneys from
United States
treasury.

Section 52. All moneys requisitioned from the commonwealth's account in the unemployment trust fund in the United States treasury and received by the director from the state treasurer shall be immediately deposited in a benefit account maintained by the director. All moneys in the benefit account shall be used exclusively for the payment of benefits pursuant to this chapter.

Unexpended
balances.

Section 53. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the dis

cretion of the director, shall be redeposited by the state treasurer with the secretary of the treasury of the United States of America, to the credit of the account of the commonwealth in the unemployment compensation fund.

Section 54. Except as otherwise provided in this chapter, moneys in the clearing and benefit accounts may be deposited in any depositary bank in which general funds of the commonwealth may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

Depository
banks.

Moneys in the clearing and benefit accounts shall not be commingled with other funds of the commonwealth, but shall be maintained as separate accounts on the books of the depositary bank.

Section 55. The director shall give a bond conditioned upon the faithful performance of his duties with respect to the benefit account in an amount not exceeding twenty-five thousand dollars, and approved by the governor and council and with surety or sureties satisfactory to the attorney general. Premiums upon bonds pursuant to this section shall be paid from the employment security administration account.

Director to
give bond.

Section 56. The provisions of this chapter, to the extent that they relate to the unemployment compensation fund, shall be operative only so long as such unemployment compensation fund continues to exist and so long as the secretary of the treasury of the United States of America continues to maintain for the commonwealth a separate book account of all funds deposited therein by the commonwealth for benefit purposes, together with the commonwealth's proportionate share of the earnings of such unemployment compensation fund, from which no other state is permitted to make withdrawals. If and when such unemployment compensation fund ceases to exist, or such separate book account is no longer maintained, all moneys belonging to the unemployment compensation fund of the commonwealth shall be requisitioned by the state treasurer as ex officio treasurer of the fund. The state treasurer shall thereafter, in accordance with the pertinent provisions of this chapter, hold, invest, transfer, sell, deposit and release such moneys, and any properties, securities, or earnings acquired as an incident thereto, for the administration by the director as a trust fund for the purposes of paying benefits or refunds; provided, that such moneys shall be invested in the following classes of securities:

Termination
of trust.
Disposition
of fund.

(a) Bonds or other interest-bearing obligations of the United States of America;

(b) Other direct obligations of the United States;

(c) Securities which are the direct obligations of the commonwealth;

(d) Bonds and other interest-bearing obligations of any legally constituted political subdivision of the commonwealth, if such subdivision has never defaulted in the pay-

Investment
board.

ment of the principal or interest of any of its bonds or other interest-bearing obligations.

Section 57. In the event of the provisions contained in section fifty-six becoming operative

(a) The director shall from time to time requisition from the state treasurer as treasurer ex officio of the trust fund such amounts of moneys as he deems necessary for the payment of benefits for a reasonable time and immediately deposit same in the benefit account for the purpose of paying benefits under the provisions of this chapter.

(b) An investment board of three members, hereinafter called the board, the membership of which shall be as provided in the following sentence, is hereby created, and shall be responsible for directing how and to what extent the fund shall from time to time be held, deposited and invested under this chapter. The board shall consist of the state treasurer, the director and the chairman of the state advisory council or their authorized representatives. The board shall perform its duties by the recorded vote of any two of its members and under rules to be adopted by it. Except as otherwise provided in this section and as the board may from time to time determine, not less than twenty nor more than forty per cent of the fund shall either be deposited with the federal reserve bank of Boston, if said bank is authorized to receive and to pay interest on such deposits, or shall be deposited by the director, or shall, at the direction of the board, be held in ear-marked cash either by the director or by the federal reserve bank of Boston, if said bank is authorized to hold such funds for the commonwealth, or in other safe depositories selected by the board. Except as otherwise provided in said section fifty-six, the balance of the fund shall at the direction of the board be invested in any or all of the classes of securities therein referred to. If the fund is so invested, the board may purchase and sell such securities therefor at current market prices, may invest and reinvest the fund from time to time in its discretion, and may, in its discretion, borrow against its investments for current payments. To enable the board to perform its duties under this section, the director shall furnish the board with any necessary assistance duly requested by the board and approved by the director.

EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT.

Employment
security ad-
ministration
account.

Section 58. (a) There is hereby created the employment security administration account, hereinafter called the account, to consist of all moneys

(1) Appropriated by the commonwealth for the administration of this chapter or for said account, including such money as may be made available by the commonwealth for its state employment service;

(2) Received under this chapter or under federal laws which are designated for the administration of this chapter

or for said account, including such money as may be allotted to the commonwealth under the Wagner-Peyser Act, so called, or under Title III of the Social Security Act, so called;

(3) Received from any agency for services of facilities supplied;

(4) Received or recovered on any surety bond or from other source for losses sustained in connection with the account or by reason of damage to equipment and supplies;

(5) Realized from sale of equipment or supplies no longer necessary for proper administration.

(b) The account shall be kept and accounted for by the state treasurer in the same manner as other moneys of the commonwealth, except that its annual balance shall be carried forward and shall remain continuously available to the director solely for the purposes herein specified.

(c) Effective July first, nineteen hundred and forty-one, all moneys received by the commonwealth under Title III of the Federal Social Security Act shall be expended solely for the purpose and in the amounts found necessary by the Federal Social Security Board for the proper and efficient administration of the employment security or unemployment compensation law of this commonwealth.

(d) If any moneys received after June thirtieth, nineteen hundred and forty-one from the Federal Social Security Board under Title III of the Federal Social Security Act or any unencumbered balances in the unemployment compensation administration account created by section forty-two of chapter one hundred and fifty-one A of the General Laws as then in effect are found by said Social Security Board, because of any action or contingency, to have been lost or expended for purposes other than, or in amounts in excess of, those found necessary by said Social Security Board for the proper administration of the employment security or unemployment compensation law, the commonwealth shall replace such moneys by moneys appropriated for the purpose from the general revenue of the commonwealth to the employment security administration account for expenditures as provided by law. Upon receipt of notice of such finding by said Social Security Board, the director shall promptly report the amount required for such replacement to the governor who shall include said amount in the next budget for expenditures of the commonwealth, or by message to the general court request the inclusion of such amount in the next general or in a special appropriation bill. This section shall not be construed to relieve the commonwealth of its obligation with respect to unexpended balances on hand July first, nineteen hundred and forty-one received pursuant to the provisions of said Title III.

(e) The provisions of paragraphs (c) and (d) of this section shall become inoperative in the event of repeal by congress of provisions contained in sections three hundred and three (a) (8) and three hundred and three (a) (9) of the Social Security Act.

(f) This section shall not be construed as exempting the division of employment security from any provisions of the general laws or of the constitution applicable to administrative divisions of the commonwealth.

Duties and liabilities of state treasurer.

Section 59. The state treasurer, in addition to the provisions contained in section two of chapter ten, shall be liable on the treasurer's bond for the faithful performance of his duties in connection with the unemployment compensation fund, the clearing account in connection therewith and the employment security administration account provided for under this chapter. Such liability of the treasurer on his official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision.

Funds from federal government.

Section 60. All federal moneys allotted or apportioned to the commonwealth by the Federal Social Security Board, the Federal Railroad Retirement Board, or other federal agency, for the administration of this chapter, shall be paid into the employment security administration account, except that moneys received from the Federal Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into this account or the employment service accounts thereof, on the same basis as expenditures are made for such services or facilities from such employment security administration account and employment service accounts.

Special employment service accounts.

Section 61. Special employment service accounts shall be maintained as a part of the account, for the purpose of segregating such money as may be made available by the commonwealth for its state employment service, together with such money as may be allotted to the commonwealth under the Wagner-Peyser Act, so called, and such money as may be apportioned for the purposes of such accounts from moneys received by the commonwealth under Title III of the Social Security Act, so called, or under any other federal law.

For the purpose of establishing and maintaining free employment offices, the director is authorized to enter into agreements with any city or town of the commonwealth and, as a part of any such agreement, the director may accept moneys, services or quarters for the purposes of the employment service accounts.

ADMINISTRATION.

Duties and powers of state advisory board.

Section 62. The state advisory council shall perform all the duties imposed on it by this chapter, and, in addition, shall consider and advise the director upon all matters connected with this chapter submitted to it by the director. It shall have full investigatory powers, and shall have direct access to all sources of information relating to employment. It shall promote as far as possible the regularization of em-

ployment within the commonwealth. It shall also aid in the formation of policies related to the administration of this chapter as to insure a fair, impartial and neutral administration thereof, free from political influences. It shall report to the governor at least quarterly, and to the general court biennially and at such other times as the general court may require, its conclusions and recommendations with respect to the administration of this chapter. Said reports shall relate particularly to the actuarial status of the unemployment compensation fund and shall set forth such changes in or additions to this chapter with respect to contributions, benefits or other provisions thereof, as are, in its opinion, necessary for maintaining the solvency of said fund. It shall also investigate and study all proposals for changes in or additions to the provisions of this chapter pending before the general court, including proposals made by the director, and shall report to the general court its recommendations with respect thereto. Reports made by said council to the governor hereunder shall be open to public inspection.

Section 63. The director, subject to the approval of the commission on administration and finance, shall cause to be printed in proper form for distribution to the public the full text of this chapter, the general rules, annual reports, regulations, classifications, rates and rules of procedure thereunder, and any other material he deems relevant and suitable, and shall distribute the same, free of charge, upon request. Unless the contrary is provided hereunder, or by the rules or regulations of the director, such printing and distribution shall be deemed a sufficient publication of the same.

Printing of
act and
rules, etc.

Section 64. The director shall make such reports, in such form and containing such information, as the Federal Social Security Board or its successor may from time to time require, and shall furnish such additional information in such form as said board or its successor may from time to time require to substantiate the accuracy of such reports; and shall make available, upon request, to any agency of the United States charged with the administration of public works or other assistance through public employment, information containing the name and address, ordinary occupation and employment status of each recipient of unemployment benefits who is specified in such request, the amounts of such benefits paid and the dates of payment, and a statement of such recipient's rights to further benefits under this chapter; and shall make available, upon request made in a form and manner approved by the director, to any agency of the commonwealth, or of any political subdivision thereof, charged with the duty of furnishing persons aid or assistance in any form or with the administration of assistance through public employment, like information with respect to any person applying for or receiving such aid or assistance who is specified in the request, and any information so secured shall be confidential and whoever discloses the same otherwise than as required or authorized by law shall be subject to the penalty provided in section

Reports to
Federal Social
Security Board.

forty-six. The director shall comply with all reasonable federal regulations governing expenditures of sums allotted or apportioned to the commonwealth for the administration of this chapter and accepted by the commonwealth.

Records to be
available to
Federal Rail-
road Retirement
Board.

Section 65. The director may make the commonwealth's records relating to the administration of this chapter available to the Federal Railroad Retirement Board and may furnish said board, at the expense of said board, such copies thereof as said board deems necessary for its purposes. The director may afford reasonable co-operation with every agency of the United States charged with the administration of any unemployment insurance law. For the purpose of establishing and maintaining free employment offices, he may enter into agreements with any agency of the United States charged with the administration of an employment security law, and, as a part of any such agreement, the division may accept moneys, services or quarters as a contribution to the employment service accounts.

Reciprocal
arrangements
with other
states, etc.

Section 66. The director is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(a) Services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states in which any part of such individual's service is performed or in which such individual has his residence or in which the employing unit maintains a place of business, provided there is in effect, as to such services, a request by the employing unit, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such state;

(b) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the director finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;

(c) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for employment for the purpose of determining his rights to benefits under this chapter, and wages for employment, on the basis of which an individual may become entitled to benefits under this chapter shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable, but

no such arrangement as provided in this section shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for employment, as the director finds will be fair and reasonable as to all affected interests; and

(d) Contributions due under this section with respect to wages for employment shall for the purposes of section fourteen be deemed to have been paid to the unemployment compensation fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the unemployment compensation fund of such contributions and the actual earnings thereon as the director finds will be fair and reasonable as to all affected interests.

(e) Reimbursements paid from said fund pursuant to subsection (c) of this section shall be deemed to be benefits for the purposes of this chapter. The director is authorized to make to other state or federal agencies and to receive from such other state or federal agencies, reimbursements from or to said fund, in accordance with arrangements entered into pursuant to provisions of this section.

(f) The director is hereby authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercises such of the other powers provided herein with respect to the administration of this chapter as he deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this commonwealth by the agency charged with the administration of any such other unemployment compensation or public employment service law.

Section 67. If any employer shall wilfully fail or refuse to make any report or return as required by any provision of this chapter or of the rules and regulations of the director made under authority of this chapter, the director may estimate the liability of such employer from any available information and may assess upon, and collect from, such employer the contributions, penalties and interest due from him.

Penalty for failure to make reports, etc.

Section 68. The director may provide for the payment, to such person or persons as the director finds entitled thereto, of benefits due a deceased person, or a person who has become incapacitated by reason of mental weakness or who is an insane person and incapable of properly taking care of himself or his property, for the allowance of whose will or for the administration of whose estate no petition for the appointment of an administrator, guardian or conservator has been filed within thirty days after his death or dis-

Benefits due deceased persons, etc.

ability, as the case may be, and every such payment shall be a valid payment to the same extent as if made to the legal representative of the deceased or of the person under such disabilities.

Recovery of
moneys paid
through error.

Section 69. The division may recover by action of contract any amounts paid to an individual through error, or, in the discretion of the director, the amount erroneously paid may be deducted from any future payments of benefits accruing to an individual under the provisions of this chapter.

Retroactive
effect of
rulings, etc.

Section 70. The director may prescribe to what extent any ruling or decision may be applied without retroactive effect.

Redeter-
mination of
amounts of
benefits.

Section 71. The director may reconsider a determination whenever he finds that an error in computation or identity has occurred in connection therewith, or that wages of the claimant pertinent to such determination but not considered in connection therewith, have been newly discovered, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of misrepresentations of fact, but no such redetermination shall be made after one year from the date of the original determination. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination, in the manner prescribed in this chapter with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in sections thirty-nine to forty-two, inclusive. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant thereon or from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the director may reconsider the determination in any case in which a decision has been rendered by the board of review or a court, and may apply to said board or such court which rendered such decision to revoke or modify such decision and the board of review or court may affirm, modify or revoke such decision.

In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

GENERAL PROVISIONS.

Jurisdiction
of courts.

Section 72. The supreme judicial or superior court shall have general jurisdiction in equity on a bill brought by the director, to enforce any provision of this chapter.

In civil actions and court proceedings under any provision of this chapter which are entered by or in behalf of the

director no entry fee shall be paid, but if the director shall prevail the equivalent of such entry fee shall be taxed against the adverse party as costs.

Section 73. If any part, section or subdivision of this chapter, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, the remainder hereof, or the application of any such part, section or subdivision to other persons and conditions, shall not be affected thereby.

Section 74. This chapter shall be known and may be cited as the Employment Security Law.

SECTION 2. Effective January first, nineteen hundred and forty-four, chapter one hundred and fifty-one A of the General Laws, as appearing in section one of this act, is hereby amended by striking out section eleven, as so appearing, and inserting in place thereof the following:—

Section 11. Except as provided in section ten, no employer subject to this chapter shall cease to be subject thereto except upon a written application therefor by him, which application may be filed with the director prior to March thirty-first in any year, and after a finding by the director that he has not on any day within the then last year employed any individual in employment subject to this chapter, whereupon such employer shall cease to be subject thereto as of January first of the year in which such application is made.

SECTION 3. Effective April first, nineteen hundred and forty-two, section twenty-three of said chapter one hundred and fifty-one A, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following:—

(a) An individual who is in total or partial unemployment and who registers at an employment office or other place of registration maintained by the director or has otherwise given notice of his unemployment in accordance with the procedure prescribed by the director shall be eligible for benefits for unemployment subsequent to a waiting period sustained with respect to the benefit year to which the claim applies, which benefit year includes the week for which he claims payment for benefits. Said waiting period shall consist of one week of total unemployment or two weeks of partial unemployment. No benefits shall be or become payable during said waiting period. The weeks of partial unemployment need not be successive.

SECTION 4. Section nine I of chapter twenty-three of the General Laws, as appearing in section one of chapter twenty of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out paragraph (a) and inserting in place thereof the following:—

(a) There shall be in the department, but not subject to its direction, a division of employment security, in this and in sections nine J to nine N, inclusive, called the division, which shall be under the supervision and control of a director,

Partial
invalidity
of chapter.

Title of
chapter.

G. L. (Ter.
Ed.), 151A,
§ 11, amended.

Employers
ceasing to be
subject to
chapter.

Effective date
of chapter.

G. L. (Ter.
Ed.), 151A,
§ 23 (a),
amended.

Waiting
periods, how
determined.

Effective date
of section.

G. L. (Ter.
Ed.), 23,
§ 9I, etc.,
amended.

Division of
employment
security.

in said sections called the director, who shall be appointed by the governor, with the advice and consent of the council, for a term of five years and shall administer the provisions of chapter one hundred and fifty-one A. The director shall devote his whole time in office hours to the duties of his office and he shall not serve on any political committee of any political party. The director may, with the approval of the governor, appoint deputies or assistants in such number, not exceeding five, as may be determined by the governor. One of such deputies or assistants shall be designated to be the labor relations representative. Such deputies or assistants may be removed by the director for cause, subject to the approval of the state advisory council established under clause (a) of section nine N. Said offices and the incumbents thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder.

G. L. (Ter.
Ed.), 23,
§ 9N, etc.,
amended.

SECTION 5. Said chapter twenty-three is hereby further amended by striking out section nine N, as most recently amended by section one of chapter six hundred and eleven of the acts of nineteen hundred and forty-one, and inserting in place thereof the following:—

State advisory
council.

Section 9N. (a) There shall be in the division, but not subject to the control of the director, a state advisory council of six members, citizens of the commonwealth, to be appointed by the governor, with the advice and consent of the council. Two of said members shall be persons who, because of their vocations, employments, occupations or affiliations, can be classed as employers; two shall be persons who, for like reasons, can be classed as employees; and two shall be persons representative of the public. The governor shall from time to time designate as chairman one of the members who was appointed as representative of the public. Of the members originally appointed, one of each of the aforesaid groups shall be chosen for a term of four years, and one of each group for a term of six years; and thereafter as their terms expire the governor shall, with like advice and consent, appoint members for terms of six years. Vacancies shall be filled by appointment by the governor, with like advice and consent, for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. Each of the members of the council shall receive the sum of fifteen dollars as compensation for each day's attendance at meetings of the council; provided, that the total amount paid hereunder to any such member shall not exceed fifteen hundred dollars in any period of twelve months. The council shall meet at least once a month. Members of the council shall receive their traveling and other necessary expenses incurred in the performance of their duties. The director shall provide for the council suitable quarters and such clerical and other assistance as the council may deem necessary. Said offices and the incumbents thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder.

(b) There shall be in the division a board of review consisting of three persons to be appointed by the governor, with the advice and consent of the council. Of the members first appointed, one shall be appointed for a term of two years, one for a term of four years and one for a term of six years, and thereafter as the term of a member expires his successor shall be appointed for a term of six years. Vacancies shall be filled in like manner for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. The governor shall from time to time designate one of the members as chairman. All members shall devote their whole time in office hours to the duties of their office. Said offices and the incumbents thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder. The chairman of the board and each of the other members shall receive a salary of forty-five hundred dollars. Members of the board shall receive their traveling and other necessary expenses incurred in the performance of their duties.

SECTION 6. Nothing in sections four and five of this act shall be deemed to affect the terms of office of the director, the members of the state advisory council or the members of the board of review in the division of unemployment compensation who shall be in office on the effective date of this act, and such director and members shall severally continue to hold office as if this act had not been passed, but on and after said date none of them may be removed from office except by the governor for cause and with the advice and consent of the council.

Terms of
office not
affected.

SECTION 7. The state treasurer shall, upon the taking effect of this act, transfer to the director of the division of employment security all moneys in his hands as a state agency which have been requisitioned by him from the unemployment trust fund in the hands of the Secretary of the Treasury of the United States and said director shall immediately deposit said moneys in the benefit account, so called.

State treasurer
to transfer
funds to
director.

SECTION 8. Section seven of chapter four hundred and seventy-nine of the acts of nineteen hundred and thirty-five, as amended by section three of chapter twelve of the acts of nineteen hundred and thirty-six, is hereby repealed.

1935, 479,
§ 7, etc.,
repealed.

SECTION 9. All actions and proceedings, at law or in equity, and all prosecutions, pending on the effective date of this act, whether commenced for the purpose of enforcing any of the provisions of chapter one hundred and fifty-one A of the General Laws, as in force at any time prior to said effective date, or brought upon any complaint or indictment for the violation of any provision thereof for the violation of which a penalty of a fine or imprisonment, or otherwise, was provided therein, may be prosecuted and enforced to the same extent as if said chapter as so in force were still in force and effect.

Prosecutions,
etc., under
former act.

All orders made under any provision of said chapter as formerly in force and not revoked by operation of law, or

otherwise, prior to the effective date of this act shall, until revoked or amended, remain in full force and effect.

Nothing in this act shall be construed to relieve any person subject to said chapter, as formerly in force, from the consequences of any act done in violation of, or refusal or neglect to act in accordance with, any provision of said chapter, as formerly in force, or of any lawful order of the division made thereunder.

1941, 476,
repealed.

SECTION 10. Chapter four hundred and seventy-six of the acts of nineteen hundred and forty-one is hereby repealed; but this repeal shall not affect any action taken thereunder prior to the effective date of this act.

Construction
of act.

SECTION 11. This act shall be construed as a continuation of the unemployment compensation law of this commonwealth in effect immediately prior to the effective date of this act.

Approved October 24, 1941.

Chap. 686 AN ACT RELATIVE TO THE TREASURY UNIT, SO CALLED, OF THE DIVISION OF EMPLOYMENT SECURITY IN THE DEPARTMENT OF LABOR AND INDUSTRIES.

Emergency
preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, which is to effect an immediate interdepartmental transfer of the so-called Treasury Unit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The treasury unit, so called, of the division of employment security in the department of labor and industries, formerly known as the division of unemployment compensation, which unit disburses the unemployment compensation fund, together with the positions in said unit and the incumbents thereof, is hereby transferred from the department of the treasurer and receiver general to said division of employment security. Said positions upon such transfer shall be placed within the classified civil service and the incumbents thereof at the time of transfer who have passed qualifying examinations given by the director of civil service shall be certified by said director for said positions and shall be deemed to be permanently appointed thereto without serving any probationary period, and their tenure of office or employment shall be unlimited, subject, however, to the civil service laws.

G. L. (Ter.
Ed.), 31,
§ 4, etc.,
amended.

SECTION 2. Section four of chapter thirty-one of the General Laws, as amended, is hereby further amended by adding at the end the following new paragraph:—

Employees of
treasury unit.

Employees of the treasury unit, so called, of the division of employment security in the department of labor and industries.

Approved October 24, 1941.

AN ACT TO DEFER OPERATION OF THE NEW MORTALITY TABLES FOR THE TEACHERS' RETIREMENT SYSTEM. *Chap.687*

Whereas, The deferred operation of this act would wholly defeat its purpose, which is to enable teachers, who are eligible to retire, or who may become so eligible prior to July second, nineteen hundred and forty-two, or who have been retired subsequently to the adoption of new mortality tables and interest rates on August fifteenth, nineteen hundred and forty-one, to receive retirement allowances based on the tables and rates in effect immediately prior to said last mentioned date, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The operation of the mortality tables and the rates of interest to be used in connection therewith prescribed on August fifteenth of the current year by the commissioner of insurance under section thirty-four of chapter thirty-two of the General Laws are hereby deferred until July second, nineteen hundred and forty-two, and the tables and rates of interest in effect immediately preceding said August fifteenth shall remain in full force and effect until July second, nineteen hundred and forty-two.

Approved October 24, 1941.

AN ACT RELATIVE TO THE FORECASTING OF FOREST FIRE WEATHER AND TO FOREST PATROLS. *Chap.688*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make further provision immediately for the prevention of forest fires, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The director of the division of forestry in the department of conservation shall establish and maintain a system of forecasting forest fire weather; provided, that such service is not available from the United States Forest Service. Every city and town which in the judgment of said director contains sufficient woodland or such forest fire hazards as to justify the use of patrols shall employ patrol service as hereinafter provided. Patrols shall be used on all days determined and announced by said director to be of class three or higher fire hazard, according to the United States Forest Service standard of classification of fire danger, or its equivalent in any future classification. Said director shall determine in advance what areas shall be patrolled in each city or town, the method to be used and the maximum Forecasting forest fire weather.

number of patrols necessary, after a study made in co-operation with the local forest warden. The patrols shall be increased with the increase of hazard to the number so determined to be necessary for a given degree of hazard. In case any city or town fails to comply with this act, the director may cause the forests therein to be patrolled and the city or town shall be liable for the cost of such patrol. Such cost shall be paid primarily by the commonwealth, and the state treasurer shall issue his warrant requiring the assessors of the town to assess a tax to the amount of said cost, as certified by said director to said state treasurer, which shall be collected and paid to said state treasurer in the same manner and subject to the same penalties as state taxes. Any balance of such cost due shall be assessed in the succeeding years in the same manner. Each town having a valuation of one million, two hundred and fifty thousand dollars or less shall be reimbursed by the commonwealth for one half of any expenditures under this act, when approved by said director.

G. L. (Ter. Ed.), 48, § 28B, temporarily suspended.

Termination of act.

SECTION 2. Section twenty-eight B of chapter forty-eight of the General Laws shall be inoperative for the period during which this act is in effect.

SECTION 3. This act shall cease to be of force and effect on July thirty-first, nineteen hundred and forty-four.

Approved October 24, 1941.

Chap. 689 AN ACT PROVIDING PENSIONS FOR SPECIAL JUSTICES OF DISTRICT COURTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, new § 65B, inserted.

Pensions for special justices of district courts.

SECTION 1. Chapter thirty-two of the General Laws is hereby amended by inserting after section sixty-five A, inserted by section one of chapter four hundred and nine of the acts of nineteen hundred and thirty-seven, the following new section: — *Section 65B.* A special justice of a district court, including the municipal court of the city of Boston, who has been a special justice for at least ten years who shall have attained the age of sixty-five years, and who shall resign his office, shall be entitled to receive a pension for life at an annual rate equal to three fourths of his average yearly earnings as such special justice during the period of ten years next preceding such resignation, to be paid from the same source and in the same manner as the salary of the justice of his court, or, in the case of the municipal court of the city of Boston, of an associate justice of said court, is paid; provided, that such pension shall not be greater in amount than three fourths of the salary of the justice of his court, or, in the case of the municipal court of the city of Boston, of an associate justice of said court.

SECTION 2. This act shall take effect upon its passage.

Approved October 24, 1941.

AN ACT RELATIVE TO THE GRANTING TO PRISONERS OF PER-
MITS TO BE AT LIBERTY, TO THE DISCHARGE OF PRISONERS,
AND TO PARDONS. Chap. 690

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make effective shortly the amendments made hereby in the laws relative to permits to be at liberty, to the discharge of prisoners, and to pardons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by striking out section one hundred and twenty-eight, as most recently amended by section forty-one of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following section: — *Section 128.* Subject to other provisions of law, permits to be at liberty, in this chapter also referred to as parole permits, may be granted as follows: to prisoners in the penal institutions of the commonwealth or transferred therefrom to jails or houses of correction, with the exception of prisoners serving sentence for drunkenness only, by the parole board; to prisoners in a jail or house of correction in any county other than Suffolk, except those transferred as aforesaid, by the county commissioners; to prisoners in the jail or house of correction in Suffolk county, except those transferred as aforesaid, by the penal institutions commissioner. All permits shall be issued by the board or officer granting them.

G. L. (Ter.
Ed.), 127,
§ 128, etc.,
amended.

Parole per-
mits, to
whom granted.

SECTION 2. Said chapter one hundred and twenty-seven is hereby further amended by striking out sections one hundred and twenty-nine to one hundred and thirty-nine, inclusive, as amended, and inserting in place thereof the nine following new sections: — *Section 129.* The officer in charge of each prison or other place of confinement, except the state farm, shall keep a record of the conduct of each prisoner in his custody whose term of imprisonment is four months or more. Every such prisoner whose record of conduct shows that he has faithfully observed all the rules of his prison or other place of confinement, and has not been subjected to punishment or released on parole or permit to be at liberty from the sentence which he is then serving and returned for violation of such parole or permit, shall be entitled, upon terms to be prescribed as hereinafter provided, to a conditional deduction from the maximum term for which he may be held under his sentence, which shall be determined as follows: upon a sentence of not less than four months and less than one year, one day for each month; upon a sentence of not less than one year and less than three

G. L. (Ter.
Ed.), 127,
§§ 129-139,
stricken out,
and new
§§ 129-136A,
inserted.

Deduction
for good
conduct.

Exceptions.

years, three days for each month; upon a sentence of not less than three years and less than five years, four days for each month; upon a sentence of not less than five years and less than ten years, five days for each month; upon a sentence of ten years or more, six days for each month. If a prisoner has two or more sentences to be served otherwise than concurrently, the aggregate of his several sentences shall be the basis upon which the deduction shall be determined. A prisoner who is entitled to such conditional deduction shall receive a written permit to be at liberty during the time so deducted, upon such terms as the board or officer granting the permit shall prescribe. If a prisoner to whom such a permit has been granted violates any of the terms thereof, it may be revoked by the board or officer by which or by whom it was granted, and such prisoner shall thereupon be ordered to be returned to the prison or other place of confinement to which he was originally sentenced. He shall serve the portion of his sentence originally imposed which remained at the time of his receiving such permit, or so much thereof as such board or officer may determine. If a prisoner violates any of the rules of his prison or other place of confinement or the terms of a parole or permit to be at liberty from the sentence which he is then serving, in the case of a prisoner sentenced or transferred to a state institution, the commissioner, upon recommendations and evidence submitted to him in writing by the warden, superintendent or officer in charge, and in the case of a prisoner sentenced to and confined in a county institution, the board or officer authorized to grant permits to such a prisoner, shall decide what part of such deduction shall be forfeited by such violation. If, during the term of imprisonment of a prisoner confined in a state or county institution, such prisoner shall commit any offence of which he shall be convicted and sentenced, all such deductions, from both the former sentence and any subsequent sentence of imprisonment for the offence of which he was so convicted, shall be thereby forfeited.

Terms and
conditions
of parole.

Section 130. Except as provided in section one hundred and twenty-nine, no prisoner shall be granted a parole permit merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the board or officer having jurisdiction is of the opinion that there is a reasonable probability that, if such prisoner is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society. A prisoner to whom a parole permit is granted, including a permit granted under section one hundred and twenty-nine, shall be allowed to go upon parole outside of prison walls and inclosure upon such terms and conditions as the board or officer having jurisdiction shall prescribe, but shall remain, while thus on parole, subject to the jurisdiction of such board or officer until the expiration of the term of imprisonment to which he has been sentenced.

Section 131. The board or officer having jurisdiction shall, in releasing a prisoner on parole, specify in writing the terms and conditions of his parole, and a copy of such terms and conditions shall be given to the parolee. A violation of such terms or conditions shall render the parolee liable to arrest and re-imprisonment.

Specification
of terms, etc.,
in writing.

Section 132. The parole board shall be charged with the duty of determining what prisoners, within its jurisdiction as defined in section one hundred and twenty-eight, in the penal institutions of the commonwealth or transferred therefrom to jails or houses of correction, may be released on parole and when and under what conditions. The power to grant a parole permit to any such prisoner and to revoke, revise, alter or amend the same and the terms and conditions on which it was granted shall remain in the parole board until the expiration of the maximum term of the sentence for the service of which such prisoner was committed notwithstanding the transfer of such prisoner from an institution of the commonwealth to any other institution. Said parole board shall also be charged with the duty of supervising all prisoners released on parole permits granted by it, including permits granted under section one hundred and twenty-nine, of making such investigations as may be necessary in connection therewith, of determining whether violation of parole terms and conditions exists in specific cases and of deciding the action to be taken with reference thereto, and of aiding paroled prisoners to secure employment. The parole board shall also be charged with the duty of supervising all prisoners pardoned on parole conditions, and of reporting to the governor and to the warden, superintendent or keeper, respectively, of the institution in which the prisoner was confined at the time of his pardon, violations by any such prisoner of the parole conditions applicable to his pardon.

Duties of
parole board.

Section 133. Parole permits may be granted by the parole board to prisoners subject to its jurisdiction at such time as the board in each case may determine; provided, that no prisoner held under sentence to the state prison shall receive a parole permit until he shall have served two and one half years, nor until he shall have served two thirds of his minimum sentence, or, if he has two or more sentences to be served otherwise than concurrently, two thirds of the aggregate of the minimum terms of such several sentences.

Time of grant-
ing parole.
Exceptions.

Section 134. No parole permit shall be granted by the parole board to an inmate in the state prison, the Massachusetts reformatory, the reformatory for women, the state prison colony or the state farm until the inmate has been seen by said board. The warden and superintendents of the penal institutions of the commonwealth, personally or by a representative, shall be present at all meetings of the parole board at which the board votes on the matter of the release from their respective institutions of a prisoner serving sentence for a felony or of a defective delinquent. Each member of the parole board shall record in clear and concise form

Procedure
of board in
granting
paroles.

the reasons for his or her decision in the matter of granting a parole permit to a prisoner serving a sentence for a felony or to a defective delinquent. This section shall not apply in the case of release of prisoners under section one hundred and twenty-nine.

Records of
commissioner
to be furnished
parole board.

Section 135. The commissioner shall furnish to the parole board all information in his possession relating to any prisoner whose case is under consideration. As each prisoner sentenced under an indeterminate sentence is received in the prisons of the commonwealth, it shall be the duty of the commissioner, while the case is still recent, to cause to be obtained and filed information as complete as may be obtainable at that time with regard to such prisoner. Such information shall include a complete statement of the crime for which he is then sentenced, the circumstances of such crime, the nature of his sentence, the court in which he was sentenced, the name of the judge and district attorney, and copies of such probation reports as may have been made, as well as reports as to the prisoner's social, physical, mental and psychiatric condition and history. It shall be the duty of the clerk of the court and of all probation officers and other appropriate officials to send such information as may be in their possession or under their control to the commissioner, upon request. The commissioner shall also at that time obtain and file a copy of the complete criminal record of such prisoner, so far as reasonably available, including any juvenile court record that may exist. When all such existing available records have been assembled, they shall be made available to the parole board so as to be readily accessible when the parole of such prisoner is being considered.

Hearings on
paroles, etc.

Section 136. No application for release on parole of a prisoner made by him or on his behalf shall be entertained by the parole board, but such a release of a prisoner by said board shall be solely on its own initiative. In every case where a prisoner is serving a sentence for a felony, the parole board shall, within sixty days after such prisoner first becomes eligible for parole, grant such prisoner a hearing before the board and shall consider carefully and thoroughly the question whether a parole permit should be granted to such prisoner. Prisoners entitled to such a hearing shall, so far as reasonably practicable, be granted a hearing in the order in which they respectively become eligible for parole. At least one month prior to the time a prisoner serving sentence for a felony first becomes eligible for parole, the commissioner shall submit to the parole board or to an officer designated by it, all information with regard to such prisoner not already so submitted. Such information shall include, in addition to any other pertinent information: (a) a report from the warden or superintendent of each prison in which such prisoner has been confined as to the prisoner's conduct in prison, with a detailed statement as to all infractions of prison rules and discipline, all punishments meted out to such prisoner, and the circum-

stances connected therewith, as well as a report from each such warden or superintendent as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition, with a statement as to the prisoner's attitude toward society, toward the judge who sentenced him, toward the district attorney who convicted him, toward the policeman who arrested him, and how the prisoner then regards the crime for which he is in prison and his previous criminal career; (b) a report giving the prisoner's industrial record while in prison, the nature of his occupations while in prison, and a recommendation as to the kind of work he is best fitted to perform and at which he is most likely to succeed when he leaves prison; (c) a report of such physical, mental and psychiatric examinations as have been made of such prisoner which so far as practicable shall have been made within two months of the time of his eligibility for parole. The parole board shall reach its own conclusions as to the desirability of granting such prisoner a parole permit. This section shall not apply in the case of release of prisoners under section one hundred and twenty-nine.

Section 136A. The commissioner may grant, upon such terms and conditions as he may prescribe, a conditional release to any prisoner in a penal institution of the commonwealth who is there held solely by reason of a sentence for drunkenness. Such terms and conditions may be revised, altered or amended, or such conditional release may be revoked, by the commissioner at any time. A violation by the holder of such conditional release of any of its terms or conditions or the violation of any law of the commonwealth shall render such conditional release void. The commissioner, if a conditional release issued by him has become void or has been revoked, may order the arrest of the holder of such conditional release by any special state police officer in the department of correction or any officer qualified to serve civil or criminal process in any county, and the return of such holder to the prison to which he was originally sentenced.

Conditional release of prisoners held solely for drunkenness.

SECTION 3. Section one hundred and forty-nine of said chapter one hundred and twenty-seven, as most recently amended by section two of chapter one hundred and seventy-four of the acts of nineteen hundred and forty-one, is hereby further amended by striking out the second sentence, — so as to read as follows: — *Section 149.* The parole board, the county commissioners or, in Suffolk county, the penal institutions commissioner of Boston, if a permit to be at liberty granted or issued by them, respectively, has become void or has been revoked, or if a prisoner on parole under section one hundred and forty-one has been ordered to return to prison, may order the arrest of the holder of such permit or of such prisoner on parole by any officer qualified to serve civil or criminal process in any county, and the return of such holder or of such prisoner on parole

G. L. (Ter. Ed.), 127, § 149, etc., amended.

Arrest for violation of permit, etc.

to the prison to which he was originally sentenced. A prisoner who has been so returned to prison shall be detained therein according to the terms of his original sentence. In computing the period of his confinement, the time between his release upon a permit or on parole and his return to prison shall not be considered as any part of the term of his original sentence. If at the time of the order to return to prison or of the revocation of his permit he is confined in any prison, service of such order shall not be made until his release therefrom.

G. L. (Ter. Ed.), 127, § 154, etc., amended.

Duties of parole board acting as advisory board of pardons.

SECTION 4. Said chapter one hundred and twenty-seven is hereby further amended by striking out section one hundred and fifty-four, as amended, and inserting in place thereof the following section:— *Section 154.* The parole board, acting as the advisory board of pardons, shall consider carefully and thoroughly the merits of all petitions for pardon or commutation of sentence referred to it by the governor, and it shall make to him a written report containing its conclusions and recommendations. No such report shall be made without the concurrence of a majority of the members of the board. If in the opinion of the board the facts stated in such report are such as to cause undue or unmerited hardship or injury to the petitioner or to other individuals, if made public, the portion of said report containing such facts may be submitted separately from the conclusions and recommendations, and without publicity, but in all cases a statement setting forth the crime or crimes for which a pardon or commutation of sentence is sought, the sentence or sentences received, and the length of time served, together with such statement of the conclusions and recommendations of the board, shall be made public when the report is submitted, and a copy of such statement, signed by each member concurring therein shall be retained in the records of the board and shall be and remain a matter of public record. Before considering any petition for pardon or commutation of sentence, if the conviction of the prisoner was had in the superior court, the parole board, acting as the advisory board of pardons, shall notify the district attorney, who shall report the facts of the case as they appeared at the trial, or, if the conviction was upon a plea of guilty, the facts as he understands them, the names of all witnesses in the case, and his recommendation. If the petitioner is serving a sentence in the state prison the attorney general shall also be notified. If the conviction was in a district court the justice thereof shall make to said board a similar report and recommendation. The attorney general, district attorney or justice, as the case may be, shall be notified of the hearing upon the petition for pardon or commutation of sentence, and they or their representatives may be present at the hearing, examine the petitioner's witnesses, and be heard. The said board shall not review the proceedings of the trial court, and shall not consider any questions regarding the correctness, regularity or legality of

such proceedings, but shall confine itself solely to matters which properly bear upon the propriety of the extension of clemency to the petitioner. Said board from time to time may make rules relative to the calling of meetings and to the proceedings thereat. The board or any member of it may summon witnesses and administer oaths or affirmations. The fees of witnesses before the board shall be the same as for witnesses in civil actions before the courts, and shall be paid from the appropriation for the expenses of the parole board.

SECTION 5. Said chapter one hundred and twenty-seven is hereby further amended by striking out sections one hundred and sixty-six and one hundred and sixty-seven, inserted by chapter four hundred and eighty-four of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the two following sections: — *Section 166.* No person shall, in the attempt to procure, or for the procurement of, any pardon, parole, commutation of or respite from sentence of a prisoner then confined in, or at liberty after having been confined in, any of the penal institutions of this commonwealth, or then under sentence to serve a term of imprisonment in any of said institutions, knowingly pay or offer to pay, or solicit, offer to receive or receive, either by way of gift or of reward or of compensation for services, or otherwise, except for proper legal services, any money or other thing of value, or shall transmit the same from one person to another; nor in such attempt or for such procurement shall any person make, or offer or promise to make, or to procure or induce the making of, any appointment to any position, whether or not in the public service.

Section 167. No person shall represent or purport to represent any prisoner then confined in, or at liberty after having been confined in, any of the penal institutions of this commonwealth or then under sentence to serve a term of imprisonment in any of said institutions, in the attempt to procure or for the procurement of any pardon, parole, commutation of or respite from sentence, unless such person shall first have filed in the office of the state secretary a written statement signed by him and made under the penalties of perjury, stating in substance that none of the provisions of section one hundred and sixty-six has been violated, that such person is acting with the written consent of the prisoner, and that such person has not received or been promised, and does not expect to receive or to be promised, any money or other reward for so acting, except fees or other reward for legal services, the amount of which fees or other reward and a detailed description of which services shall be set forth in such statement. If any person receives any additional fee or other reward for legal services different from that disclosed in the statement referred to in this section, such person shall forthwith file in the same form and manner as the original statement an additional statement setting forth the amount of such additional fees or the exact nature and extent

G. L. (Ter. Ed.), 127, §§ 166 and 167, etc., amended.

Compensation, etc., for securing pardon, etc., prohibited.

Written authority to represent prisoner.

Filing of, etc.

of such reward, with a detailed description of the legal services rendered for such fee or reward. Said statements shall be kept as permanent records in the office of the state secretary and shall be open to public inspection at any reasonable time.

G. L. (Ter. Ed.), 127, § 127, etc., amended.

Special state police.

Powers and duties.

SECTION 5A. Section one hundred and twenty-seven of said chapter one hundred and twenty-seven, as most recently amended by chapter seventy of the acts of nineteen hundred and forty-one, is hereby further amended by inserting after the word "governor" in the seventh line the words: — , the commissioner, — and by adding at the end the following sentence: — The parole board shall appoint a woman to serve under it, with the title of supervisor of parole for women, who shall be in charge of women parolees and shall direct the work of the women parole agents, — so as to read as follows: — *Section 127.* The governor, upon the written recommendation of the commissioner, may appoint any agent or employee of the department of correction or any employee of any penal institution a special state police officer for a term of three years, unless sooner removed. Officers so appointed may serve warrants issued by the governor, the commissioner or the parole board and orders of removal or transfer of prisoners issued by the commissioner and warrants issued by any court or trial justice in the commonwealth for the arrest of a person charged with the crime of escape or attempt to escape from a penal institution or from the custody of an officer while being conveyed to or from any such institution, and may perform police duty about the premises of penal institutions. The parole board shall appoint a woman to serve under it, with the title of supervisor of parole for women, who shall be in charge of women parolees and shall direct the work of the women parole agents.

G. L. (Ter. Ed.), 27, new § 5A, inserted.

Appointment of certain employees by board.

SECTION 6. Chapter twenty-seven of the General Laws is hereby amended by inserting after section five, as amended, the following new section: — *Section 5A.* Said board may appoint such employees as its work may require and may employ such number of male and female agents as may be approved by the governor and council to enable it to carry out its duties under the laws relative to the release of prisoners, their supervision after release and the procuring of employment for them, and may remove them. One or more of said agents may be designated by said board as agents for aiding discharged prisoners. The agents shall give their entire time during business hours to their duties, and shall be reimbursed for the necessary expenses actually incurred in the performance of their duties, after the bills therefor have been approved by said board. The commissioner shall require one of the deputy commissioners to supervise the work of such agents, employees and parolees as the board may designate and subject to the direction of the board.

G. L. (Ter. Ed.), 27, § 4, repealed.

Civil service status of transferred em-

SECTION 7. Section four of said chapter twenty-seven, as appearing in the Tercentenary Edition, is hereby repealed.

SECTION 8. All male and female agents and clerical and other employees of the department of correction assigned by

it principally to matters relating to parole are hereby transferred to serve under the parole board without impairment of their civil service status or of any rights to which they may be lawfully entitled. Subject to the direction of said board, the work of such agents and employees shall continue to be supervised by the deputy commissioner now in charge of parole supervision, until the commissioner otherwise directs or said deputy commissioner ceases to hold office.

employees un-
impaired.

SECTION 9. In so far as the provisions of this act are the same as the provisions of law in effect immediately prior to the effective date of this act they shall be construed as continuations thereof and not as new enactments. Nothing in this act shall affect the provisions of section two of chapter one hundred and thirty-four of the acts of nineteen hundred and thirty-three.

Construction
of act.

SECTION 10. This act shall become effective on December first in the current year. *Approved October 24, 1941.*

Effective
date.

AN ACT CREATING THE DIVISION OF MILK CONTROL IN THE DEPARTMENT OF AGRICULTURE, UNDER THE CONTROL AND SUPERVISION OF THE MILK CONTROL BOARD, DEFINING THE POWERS AND DUTIES OF SAID DIVISION AND BOARD, AND INCORPORATING THE STATE MILK CONTROL LAW, SO CALLED, INTO THE GENERAL LAWS.

Chap.691

Whereas, Provisions of law similar to those contained in this act have been in effect for several years and will shortly cease to be effective, but the circumstances and conditions which made advisable their enactment still continue and it is accordingly desirable that the provisions of this act take effect before such provisions cease to be effective; therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty of the General Laws is hereby amended by inserting after section six, added by section two of chapter three hundred and forty of the acts of nineteen hundred and thirty-four, under the caption DIVISION OF MILK CONTROL, the following three new sections:— *Section 7.* In addition to the divisions referred to in section four, there shall be in the department a division of milk control, under the control and supervision of a board to be known as the milk control board, said board in this and sections eight and nine being referred to as the board, composed of the commissioner, *ex officio*, who shall be the chairman of the board, and two persons who shall be appointed by the governor, by and with the advice and consent of the council. Of the appointive members first appointed hereunder one shall be appointed to serve for a term of two years and one for a term of four years. Upon the expiration of the term of any appointive member, his successor

G. L. (Ter.
Ed.), 20,
new §§ 7-9,
inserted.

Milk control
board.

Appointment
of members,
etc.

Expenses
of, etc.

shall be appointed in like manner for a term of four years. Any member of the board may be removed by the governor, upon due notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

One vacancy in the membership of the board, whether or not among the appointive members thereof, shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum. The board shall have an official seal which shall be judicially noticed.

Each appointive member of the board shall receive as compensation the sum of fifteen hundred dollars per annum, and his actual expenses for necessary travel incurred in the performance of his duties; provided, that any member who is otherwise regularly employed by the commonwealth shall not receive any compensation as a member of the board, but may be allowed his actual expenses for necessary travel.

Director of
milk control.

Section 8. The board, subject to the approval of the governor and council, shall appoint a director of the division of milk control, whose title shall be director of milk control, hereinafter referred to as the director. In addition to any duties imposed upon him by, or under authority of, any provision of sections seven to nine, inclusive, of this chapter, or of chapter ninety-four A, the director shall, at the request of the board, attend any meeting of the board, but shall have no vote. Subject to appropriation, the board may appoint such other employees as may be necessary in order to execute effectively the functions by sections seven to nine, inclusive, of this chapter, and by chapter ninety-four A, vested in the board and the director, respectively. The board may expend for the necessary traveling expenses of its members, director and employees, incurred in performance of their official duties, and for salaries, services and other necessary expenses of the board such sums as may be appropriated therefor.

Board to make
rules, etc.

Section 9. The board may from time to time adopt, alter or rescind orders, rules and regulations which it may deem necessary or desirable, to carry out the purposes and provisions of sections seven to nine, inclusive, of this chapter, and of chapter ninety-four A.

G. L. (Ter.
Ed.), new
chapter 94A,
inserted.

SECTION 2. The General Laws are hereby amended by inserting after chapter ninety-four, as appearing in the Tercentenary Edition, the following new chapter under the title: —

CHAPTER 94A.

MILK CONTROL.

DEFINITIONS.

Definitions.

Section 1. The following words as used in this chapter and in sections seven to nine, inclusive, of chapter twenty, unless the context otherwise requires, shall have the following meanings:

"Affiliate", any person, or any subsidiary thereof, having either directly or indirectly, actual or legal control of or over a milk dealer, whether by stock ownership or in any other manner.

"Board", the milk control board established under section seven of chapter twenty.

"Books and records", books, records, accounts, contracts, memoranda, documents, papers, correspondence or other data pertaining to the business of the person in question.

"Consumer", any person, other than a milk dealer, who purchases milk for consumption.

"Co-operative Association", a co-operative association, corporation or sales agency.

"Director", the director of milk control referred to in section eight of chapter twenty.

"Fluid milk", any milk, other than cream, which is sold, distributed or used for any purpose other than manufacture of cream, ice cream, butter or cheese; or, in any market for which the board has by order, rule or regulation, established classification on the basis of use, such portion thereof as may from time to time be classified by such order, rule or regulation within the highest use classification for the market concerned.

"Licensee", a milk dealer licensed under any provision of this chapter or of similar provisions of earlier law.

"Market", one or more cities or towns, or any portion thereof, designated by the board as a natural milk marketing area within the commonwealth.

"Milk", includes whole milk and cream, fresh, sour or storage; skimmed milk and buttermilk; irrespective of whether or not any such milk is flavored.

"Milk dealer", any person, irrespective of whether such person is also a producer or an association of producers, who, on his own account or on behalf of producers, is engaged within the commonwealth in the business of receiving, purchasing, pasteurizing, bottling, processing, distributing or otherwise handling milk. No owner or operator of a hotel or restaurant who sells milk consumed on the premises where sold, and does not purchase or receive milk from producers, and no producer who delivers raw milk only to a milk dealer, shall be deemed a milk dealer for the purposes of this chapter.

"Person", any individual, partnership, association, corporation or other business entity, or a subsidiary or affiliate thereof.

"Producer", a person producing milk.

"Store", includes a grocery store, dairy products store or any similar mercantile establishment at which milk is sold for consumption off the premises.

"Subsidiary", any person of or over whom a milk dealer or an affiliate of a milk dealer has, or several milk dealers

and their respective affiliates, or any of them collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

POWERS AND DUTIES OF BOARD.

Powers and
duties of board.

Section 2. The board shall have the following powers and duties, in addition to any others granted to it by any other provision of this chapter and by sections eight and nine of chapter twenty: —

(1) To designate and establish as markets the several natural milk marketing areas of the commonwealth; to supervise and regulate the milk industry of the commonwealth, including the production, purchase, receipt, sale, payment and distribution of milk within the commonwealth and the control of unreasonable and burdensome surplus of milk in any market coming from either within or without the commonwealth; to prescribe such regulations as shall tend (a) equitably to apportion the total value of the milk purchased or received by any dealer, or by all dealers in any market, among the producers delivering to such dealer or dealers, on the basis of their marketings of milk during a prior representative period, and (b) to encourage the production of a regular, continuous and adequate supply for such market or markets of fresh fluid milk conforming to law; and to promote programs designed to increase the consumption of milk;

(2) To investigate and regulate, as conditions permit and the purposes of this chapter require, all matters pertaining to markets, to the production, manufacture, processing, storage, transportation, disposal, distribution and sale of milk within the commonwealth, and to the establishment and maintenance of reasonable trade practices relative to milk;

(3) The board may, after examination and investigation, and after hearing held after due notice, adopt all orders, rules and regulations, not inconsistent with law, which it deems necessary or desirable to administer or effectuate any of the purposes of this chapter.

(4) No provision of this chapter conferring a general power upon the board shall be deemed to be impaired or qualified by the granting to the board of any specific power or powers.

(5) The board may act as mediators and arbitrators in any controversy or issue among or between producers and milk dealers either as individuals or as groups, associations or corporations.

(6) Nothing in this chapter shall be construed to empower or authorize the adoption and enforcement of any public health rule or regulation by the board.

ENFORCEMENT.

Section 3. Subject to the supervision and control of the board, the director shall enforce the provisions of this chapter and all orders, rules and regulations of the board.

Enforcement
of chapter, etc.
Review.

Any person aggrieved by any act or decision of the director in such enforcement may, within such time as the board by rule or regulation shall provide, appeal to the board for a review thereof, and the board shall grant such person a hearing after due notice.

LICENSES.

Section 4. (a) No milk dealer, except as provided in subsection (b), shall within the commonwealth buy or receive milk from producers or others, or sell or distribute milk, or pasteurize, bottle, package or otherwise process milk for sale, unless he is duly licensed as provided in this chapter, and no milk dealer shall buy milk from or sell milk to another milk dealer who, being required to be licensed, is not so licensed, or in any way deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of any provision of this chapter, or of any order, rule or regulation made thereunder.

Licensing of
milk dealers.

(b) The board, provided it shall first determine that such action will not adversely affect market conditions relative to milk, may by its order exempt from the operation of all or any portion of this chapter any milk dealer who purchases milk only from a licensed milk dealer, and whose only sales of milk are at a store.

Exception.

(c) Licenses required by this chapter shall be in addition to any other license required by law.

(d) Any school, hospital, infirmary or other like charitable institution, located within the commonwealth and wholly supported by funds of the United States or of the commonwealth, or of any county, city, town or legally organized district within the commonwealth, and which purchases or receives from producers raw milk delivered in containers holding not less than twenty quarts each, and, on the premises of said institution, pasteurizes or otherwise processes the same for consumption on said premises, or uses the same in the manufacture of milk products for use or consumption on said premises, or proposes so to do, may make application, in the manner provided in section five, for a milk dealer license, which the board is hereby authorized to grant.

Licenses for
schools, etc.

Section 5. Each person, before engaging in business as a milk dealer, shall make application to the board for a license hereunder, which the board is hereby authorized to grant. Such application shall state the nature of the business to be conducted, the name and principal business address in the commonwealth of the applicant, and, if a firm

Application
for license,
contents of,
etc.

Issuance of
licenses, expi-
ration of, etc.

or association, the name and address of each member thereof, or, if a corporation, the names and addresses of all officers and directors thereof, and the name of each municipality in which business is to be conducted, and such other facts with respect to the business of the applicant as may be required by the board. Licenses issued hereunder shall expire on June thirtieth in each year, but may be renewed if application is made therefor on or before June fifteenth in such year. Any licensee whose application for renewal is made on or before June fifteenth in any year may continue to engage in the milk business pending the action of the board on such application. Every application for a license made by a person other than a licensee shall be acted upon by the board within thirty days after its receipt thereof. Every license issued under any provision of this chapter shall state that it is subject to this chapter, and the original license or a certified copy thereof shall be conspicuously displayed by the licensee in each place of business conducted by him in this commonwealth.

Suspension,
etc., of licenses,
grounds for.

Section 6. The board may decline to grant or renew a license, or may suspend or revoke a license already granted, or may grant a conditional or temporary license, upon due notice and hearing to the applicant or licensee; except that the board may without hearing to the applicant or licensee, but upon due notice, cancel a conditional license for breach of a condition thereof, or may decline to grant or renew a license, where the license of the applicant or licensee has been refused or revoked or a conditional license has been issued for cause within the same or the next preceding license year. The board may decline to grant or renew a license or may suspend or revoke a license already granted, or grant a conditional license upon due notice and hearing to the applicant or licensee, when it is satisfied of the existence of any of the following reasons: —

(1) That he has without reasonable cause refused to accept or refused to pay for milk purchased or received by him from a producer, or has without reasonable cause or without reasonable notice refused to accept or to pay for milk delivered or tendered to him by or on behalf of a producer in ordinary continuance of a previous course of dealing, except where such course of dealing is terminated in accordance with an express contract existing between the milk dealer and such producer with respect to the time and method of termination;

(2) That in any instance he has failed without reasonable cause to account and make payment when due for milk purchased or received by him;

(3) That he has committed any act or engaged in any course of conduct tending to reduce the price of pure, fresh milk to such an extent as to interfere with the supply thereof produced in the commonwealth, which supply is hereby declared to be necessary for the public health, public welfare and trade and commerce;

(4) That he has engaged in a course of action which, in the opinion of the board, indicates his inability or unwillingness properly to conduct the business of a milk dealer;

(5) That he has been, or is, a party to a combination to fix or maintain prices contrary to law;

(6) That he has engaged in a course of action such as to satisfy the board of an intent on his part to deceive or defraud customers, producers or consumers;

(7) That he has failed to keep, at his place of business within the commonwealth, minimum records required by order, rule or regulation of the board, as presently or previously constituted, or has failed to furnish the statements or information required by the board under this chapter or required legally under similar provisions of earlier law, or has kept false records, or furnished false statements with respect to such information;

(8) That any statement made by him in reliance upon which to any degree, his license as a milk dealer was granted, renewed or restored, was false or fraudulent in any material particular;

(9) That such applicant or licensee, or that any person owning any substantial interest in or having any power or control in the milk business conducted or to be conducted by the applicant or licensee, or that any person formerly owning any such interest or having any such power or control in a milk business in the commonwealth, who is, or is to be, employed by the applicant or licensee in said business, has within three years been responsible, in whole or in part, for any act on account of which a license might be denied, suspended or revoked pursuant to any provision of this chapter or any similar provision of earlier laws;

(10) That the bond or other evidence of financial responsibility required of an applicant is unsatisfactory to the board;

(11) That he knowingly purchased, received, processed or handled milk, excluding cream, for sale within the commonwealth obtained from a dairy farm or has knowingly purchased, received, processed, or handled milk, including cream, for sale within the commonwealth obtained from a dealer not registered under sections sixteen A to sixteen G, inclusive, of chapter ninety-four or from a dealer not licensed under section forty-one of said chapter or from an operator of a milk plant or manufactory not licensed under section forty-two A of said chapter, or sold milk to or processed or handled milk for a dealer not so registered, or not so licensed under said section forty-one;

(12) That he knowingly purchased, received, processed, sold or otherwise handled milk within the commonwealth in violation of any of the applicable laws, or of the rules, regulations and requirements of the board; or

(13) That he has violated any provision of this chapter or of similar provisions of earlier laws, or of an order, rule or regulation of the board made under authority thereof or of section nine of chapter twenty.

Hearing by
board on sus-
pension, etc.

Section 7. (a) Before declining to grant a license of any type, or suspending or revoking a license, the board shall hold a hearing and grant the applicant or licensee an opportunity to be heard in person or by attorney. A duly attested copy of the order of the board upon such hearing shall be served upon the applicant or the licensee in the manner provided by section nineteen.

(b) Any licensee whose license has been revoked or cancelled shall upon notice thereof forthwith deliver and return said license to any member of the board, or to any authorized representative of the board or to the director or at the offices of the board.

Jurisdiction
of superior
court.

Section 8. An applicant or licensee aggrieved by any decision of the board may appeal therefrom by filing a petition in the superior court within twenty days after notice of such decision has been given under section nineteen. Upon such appeal, said court may revise or reverse such decision if such action, in its opinion, is warranted by the evidence.

LICENSE FEES AND ASSESSMENTS.

Fee for
license.

Payment,
how made.

Section 9. (a) Each milk dealer required to be licensed under this chapter shall annually pay a license fee, in an amount to be from time to time determined by the board, but not more than five dollars, and each such milk dealer, other than one who is also a producer selling to consumers not more than fifty quarts of milk daily, shall, on or before the tenth day of each month, pay to the board, for the month immediately preceding, such an amount as the board deems equitable for the market or markets involved, equivalent to not more than two cents per hundredweight of the milk which the milk dealer during such month (1) pasteurized, processed, or bottled or otherwise packaged for sale, and sold or distributed, or (2) sold or distributed to persons other than milk dealers not eligible for exemption under subsection (b) of section four in any market or markets within the commonwealth, irrespective of where such milk was produced, or upon such portion thereof as the board by order, rule or regulation determines to be equitable.

(b) One half of any such payment made by any milk dealer on or before the tenth day of the month in which such payment is due, on account of milk sold or distributed by him in the highest use classification from time to time determined by the board for such market or markets, may be deducted rateably by him from amounts due from him to producers for such milk.

(c) In case the same milk is handled by more than one milk dealer, the first dealer within the commonwealth dealing in or handling said milk in either manner described in subsection (a), shall be deemed to be the milk dealer within the meaning of this section. This section shall be construed as applying to sales organizations, co-operative agents, producers and milk dealers for the sale or distribu-

tion of milk in any form, other than a common carrier or contract carrier who performs in connection with such milk no act within the commonwealth other than the transportation thereof.

(d) Any reference in this section to any quantity of milk shall be construed to include its whole milk equivalent.

PRICES, TERMS AND CONDITIONS.

Public Interest and Reasonable Return.

Section 10. The board shall ascertain, by such examination or investigation as the situation may permit or warrant, and after a general public hearing held after due notice, what prices, terms and conditions relative to milk in the several localities and markets in the commonwealth, under the varying conditions therein, will be most beneficial to the public interest and will best protect the milk industry.

Minimum prices for milk, how determined.
Public hearing, etc.

In every such examination or investigation and hearing, the board shall take into consideration all the conditions affecting the milk industry, including the amount necessary to yield a reasonable return to the producer and to the milk dealer. In establishing minimum prices for milk under this chapter the board shall cause said prices to be fair, just and reasonable, and, to accomplish that end, shall take into consideration and be guided by costs of production, hauling, handling, processing, storage, distribution and other cost factors involved in the production and marketing of milk, including compliance with all sanitary regulations, and shall consider the balance between the supply of milk and the consumption of the same, the purchasing power of consumers as evidenced by available indices of income and general business and industrial activity, and other economic conditions affecting the milk supply and demand for milk and shall consider the prices for milk in the different markets of the commonwealth which will best protect the milk industry in the commonwealth and insure a supply of pure, fresh milk adequate to cover consumer needs.

MINIMUM PRICES TO PRODUCERS.

Section 11. (a) The board, after making an examination and investigation authorized by this chapter, and after hearing held after due notice, shall by its order fix the minimum prices to be paid by milk dealers to other milk dealers, and to producers and consumers for milk received, purchased, stored, manufactured, processed, sold, distributed or otherwise handled within the commonwealth, and the terms and conditions under and times at which such prices are to be paid.

Board to fix minimum prices.

(b) Orders relative to such minimum prices shall apply to the locality in which the milk in question is produced or to the market in which such milk is sold, or to both, and may

Price applicable to locality where milk sold.

Classification,
etc., of grades
of milk.

vary in different localities or markets according to the varying and differing conditions therein. Any such order may classify such milk by such forms, classes, grades or uses as the board may deem advisable and may specify the minimum prices therefor, and may require that producers of milk purchased or received under such provisions shall be paid for all such milk on the basis of the class, grade or use in which it is ultimately sold by milk dealers.

Sharing of
value between
milk dealers,
etc., and
producers.

(c) Each such order may provide rules and regulations for the sharing of the value of milk sold, used or disposed of in each class, grade or use, between milk dealers who are also producers, and the producers from whom milk is received or purchased by such dealers, in proportion, to their respective deliveries of milk.

Petition to
establish
minimum
prices.

Section 12. Upon petition in writing, with an affidavit that it is signed by not less than fifty-one per cent of the Massachusetts producers who, during the month of April in the license year next preceding that in which such petition is filed, delivered milk for sale or distribution as fluid milk in any market, requesting the board to establish minimum prices, wholesale or retail, or both, for milk for such market, and if, upon making such examination and investigation as is authorized by this chapter, and after public hearing held after due notice, the board finds at the close of such hearing that such petition is signed by not less than fifty-one per cent of such producers who, during said month or such subsequent month as the board may find is a more representative period, delivered milk for sale or distribution as fluid milk in said market, that the price to the producer established under authority of this chapter or by any agreement, license, regulation or order made or issued pursuant to any federal law, cannot otherwise be maintained, and that the maintenance of such price is necessary in order to ensure a regular, continuous and adequate supply of fresh, pure milk sufficient to meet the requirements of said market and to protect the public health therein, the board may declare, subject to approval of the milk regulation board, that a state of emergency exists. The board may thereon issue such orders, rules and regulations as may be necessary, including the fixing by official order of minimum wholesale or retail prices, or both, for milk sold within the market affected, irrespective of where such milk is produced. The board may in like manner at any time alter, revise, amend or rescind the prices so fixed. Any such action shall be reviewed by the board at least once in each year, or at any time on the order of the governor or on the request of the milk regulation board. Due notice shall be given of any such review. Every price fixed pursuant to this section, and any alteration, revision or amendment thereof, shall be fair, just and reasonable and shall be published as provided in section twenty-two.

ENTRY, INSPECTION OF RECORDS AND REPORTS.

Section 13. (a) For the purpose of administering this chapter, any member of the board, the director, or any employee or other representative designated by the board or by him for the purpose, may enter, at all reasonable hours, every place where milk is being produced, stored, bottled or otherwise packaged, processed, sold or otherwise handled for sale or distribution. Any such person may also, at all reasonable hours, inspect and verify by reference to the actual operations and transactions all books and records relating to milk in any place within the commonwealth for the purpose of ascertaining facts required for proper administration of this chapter.

Entry on premises for inspection, etc.

(b) All milk dealers required to be licensed under this chapter, their affiliates and subsidiaries, shall from time to time furnish to the director such information as the board may by order, rule or regulation require, upon and in conformity to forms or reports approved by the board and supplied by the director, for the purpose of enabling the director to administer and enforce this chapter and the orders, rules and regulations made by the board thereunder. All such reports shall be on oath or made under the penalties of perjury.

Licenses to furnish certain information to director.

(c) Each milk dealer required to be licensed under this chapter shall permit any member of the board, the director, or any employee or other representative designated for the purpose by the board or by him, at all reasonable hours, to enter any place occupied or controlled by such milk dealer where milk is produced, stored, bottled or otherwise packaged, pasteurized, processed, sold or otherwise handled. Each such dealer shall at all reasonable hours identify and make available to any such person all books and records relating to milk or to such milk dealer's business which are in his possession or custody or under his control, and permit such person to inspect and verify the same as provided in subsection (a).

Milk dealers to permit entry on premises of members of board.

(d) The information obtained by any inspection authorized or reports required by this chapter or by similar provisions of earlier law shall be treated as confidential and shall not be disclosed by any person except as may be required in the proper administration of this chapter; provided, that the board may use such information together with other similar information, for compilation and publication of statistics of the milk industry in this commonwealth. Such statistics shall not contain the name of, or disclose, by inference or otherwise, information obtained from the books and records of any milk dealer.

Information obtained by inspection, etc., to be confidential.

CERTAIN TRANSACTIONS PROHIBITED.

Section 14. (a) No milk dealer shall distribute or sell in any market within the commonwealth milk obtained

Sale of milk below fixed price prohibited.

from a producer or from another milk dealer if such milk was acquired from the producer within the commonwealth at a cost less than the price fixed by the board to be paid for milk so acquired and distributed.

Same subject.

(b) Any sale within the commonwealth, by any milk dealer licensed or required to be licensed under this chapter, of any milk produced within the commonwealth or received from any other source, at a price less than the minimum price fixed by the board for such milk shall be a violation of this chapter.

Discounts,
rebates, etc.,
prohibited.

(c) After the board shall have fixed the price to be charged or paid for milk, whether by form, class, grade or use, no milk dealer shall purchase, receive, sell or distribute or offer to purchase, receive, sell or distribute milk at any price less than such price as shall have been made applicable to the particular transaction; and no method or device shall be lawful whereby milk is purchased, received, sold or distributed, or offered to be purchased, received, sold or distributed, at a price less than such price whether by discount, rebate, free service, advertising allowance, or by a combined price for such milk together with another commodity or service, as a result of which the total price for the milk and such other commodity or service is less than the aggregate of the prices for the same when sold or offered for sale or performed separately, or otherwise.

Same subject.

(d) No person shall sell within the commonwealth any milk, or render any service in connection with the sale or distribution of milk, at a price less than the cost of such milk or service, including, in the case of milk sold, the original purchase price thereof, and in every instance all regular direct or indirect elements of cost of service, physical handling and financial investment in the milk in question. No milk dealer shall use any method or device, whether by discount or rebate, free service, advertising allowance, or by a combined price for such milk together with another commodity or service, as a result of which the total price for the milk and other commodity or service is less than the aggregate of the prices for the same when sold or offered for sale or performed separately, or otherwise. In the case of any person effecting sales of milk which has not been purchased, there shall be included as a part of the cost of such milk, in lieu of the original purchase price thereof, an amount equal to the purchase price which would have been payable under this chapter or under similar provisions of earlier law and the orders, rules and regulations of the board made thereunder, if such person had purchased such milk within the commonwealth.

CO-OPERATIVE ASSOCIATIONS.

Sale of milk
by co-operative
associations.

Section 15. (a) No sale of milk by a co-operative association to a milk dealer in any market shall be made at less than the applicable minimum prices, terms and conditions

of sale as set forth in the orders of the board for milk bought directly from producers who are non-members of a co-operative association.

(b) When the net return to be made for milk by a co-operative association to its members is below the net applicable return for milk as fixed by the orders of the board for a non-member of a co-operative association, said co-operative association shall submit in writing to the board a full and complete statement in detail, setting forth the amount of the deductions which have been made from the fixed minimum prices of the board and, in addition, a detailed statement of such deductions shall accompany every such payment to the member.

PROCEDURE.

Section 16. (a) The board, or any member or authorized agent thereof, including the director, may hold any examination or investigation, or any general or special hearing required or authorized under this chapter, at such places and at such times as the board deems necessary for the proper administration of this chapter.

Procedure
before milk
control board.

(b) Before adopting, altering or rescinding any general order, rule or regulation, the board shall hold a general hearing upon the subject matter thereof, and afford all persons interested an opportunity to offer evidence pertinent thereto.

(c) Before declining to grant a license, or granting a conditional or limited license, or suspending or revoking a license, or adopting any other special order, rule or regulation applying only to one or more persons named therein, the board shall hold a special hearing, and afford to the applicant or licensee, or such person or persons, opportunity to appear and be heard with respect thereto.

Each such applicant, milk dealer or person may be so heard in person or by attorney, and may offer evidence pertinent to the subject of the hearing, and to that end may request the board to exercise its powers with respect to the compulsory attendance of witnesses and the production of books and records.

Section 17. (a) Seven days at least before any general hearing, the board shall cause a notice containing a brief but sufficient statement of the subject matter of such hearing to be published as provided in subsection (a) of section nineteen.

Notice of hearings, rules and regulations, etc.

(b) Three days at least before any general order, rule or regulation adopted by the board shall become effective, such order shall be published as provided in subsection (a) of section nineteen.

(c) Three days at least before any special hearing, the board shall cause a notice containing a brief but sufficient statement of the acts, facts or circumstances alleged to constitute reason for denial, suspension or revocation of license, or for adoption of any other special order, rule or regulation applying only to one or more persons named therein,

and specifying the time and place of such hearing, to be served upon the applicant, licensee or other person or persons concerned, in a manner provided in subsection (c) of section nineteen.

(d) Three days at least before any special order, rule or regulation applying only to one or more persons named therein shall become effective, such order, rule or regulation shall be served on such person or persons in a manner provided in subsection (c) of section nineteen.

(e) Except as otherwise expressly provided, three days' notice shall constitute reasonable notice of any action by, or in any proceedings had before, the board. In computing a period of notice required or authorized under this chapter, Sundays and legal holidays shall be excluded.

Powers of
board to sum-
mons wit-
nesses, etc.

Section 18. (a) The board may compel the attendance and testimony of witnesses and the production of books and records or any other evidence that relates to the subject matter of any examination, investigation or hearing held under authority of this chapter or of similar provisions of earlier law. Any member of the board, or the director or any hearing agent designated by the board, or any employee designated by the board as clerk or as an assistant clerk of the board, may administer oaths to any witness at any examination, investigation or hearing held under authority of this chapter or of similar provisions of earlier law. Any subpoena issued by the board may require such attendance of witnesses and the production of evidence from any place within the commonwealth, at any designated place of hearing, and may be served in any manner provided in subsection (c) of section nineteen.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, the superior court, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, its member or agent, including the director, to produce evidence, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books and records or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) Witnesses summoned before the board, its member or agent, including the director, shall be paid the same fees and

mileage as witnesses before the courts, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts.

Section 19. (a) Each notice of a general hearing and each general order, rule or regulation adopted by the board, shall be published by

Notice of hearings, etc., publication of.

To whom given.

(1) Posting a copy thereof for public inspection in the main office of the board;

(2) Mailing a copy thereof, postage prepaid, addressed to each licensee deemed by the board to be affected thereby at his principal business address in the commonwealth as appearing in the records of the board, and to the clerk of each city and town, and to the county agricultural agent, if any, of each county, deemed by the board to be affected thereby;

(3) Mailing a copy thereof, postage prepaid, addressed to each person who has filed with the board a written request, upon a form approved by the board and supplied by the director, that a copy of each notice of general hearing and of each general order, rule or regulation affecting a specified market or markets be mailed to him at an address given in such form of request; and

(4) Mailing, postage postpaid, or delivering a copy thereof, and in the case of an order, rule or regulation, a copy of a release relative thereto, to: state house press room, state house news service, any news reporting service which has filed with the board written request for a copy of each notice of general hearing and general order, rule or regulation issued by the board, and such other newspaper or newspapers published or circulating in the market or markets affected as in the judgment of the board will afford sufficient notice and publicity thereof; and

(5) In the case of each notice of general hearing, also by advertisement in such newspaper or newspapers as, in the judgment of the board, will afford sufficient notice to the public thereof.

(b) A general order, rule or regulation duly adopted by the board, posted and published as provided by subsection (a) of this section shall, upon being filed with the state secretary as required by section thirty-seven of chapter thirty, have the force and effect of law. A copy of any such general order, rule or regulation certified by the state secretary to have been filed in his office shall be received in proceedings before any court or before the board as prima facie evidence that such order, rule or regulation was duly adopted, posted, published and filed as required by law.

Certification of orders, etc., by secretary of state.

(c) Each notice of a special hearing, each subpoena and each special order, rule or regulation applying only to one or more persons named therein, issued by the board, shall be served on the person or persons affected, by

Service of subpoenas.

(1) Mailing by registered mail, postage prepaid, an attested copy thereof addressed to each applicant or licensee affected, at his principal business address in the common-

wealth as appearing in the records of the board, and to each other person affected thereby at his last known address; or

(2) Delivering such a copy in hand to, or leaving such a copy at the last and usual place of abode in the commonwealth of, each individual affected thereby, and, in the case of service of a notice or special order, rule or regulation on a corporation, by delivering such a copy to the president, treasurer, clerk, cashier, secretary, agent or other officer in charge of its business, or, if no such officer is found, by leaving such a copy at its principal office or place of business within the commonwealth.

Service of
attested copies.

(d) Service by delivery of an attested copy pursuant to subsection (c) of this section may be made by any employee of the board, including the director, at any place within the commonwealth, or by any constable or other officer authorized to serve civil process at the place of delivery, or, in the case of a subpoena, by any disinterested person. The verified return by the individual delivering any such copy setting forth the manner of such service, or the return post office receipt therefor when mailed by registered mail, shall be proof of service of the same.

Signing of
orders, notices,
etc.

Section 20. Each order, rule or regulation adopted by the board shall be signed by at least two members of the board. A notice of general hearing may be signed by any member of the board. A notice of special hearing may be signed by, and a copy of any order, rule or regulation, or of any notice of general or special hearing may, where attestation is required, be attested by, any member of the board, or by an employee designated by the board as clerk of the board or as an assistant clerk of the board.

REVIEW.

Review of pro-
ceedings by
superior court.

Section 21. Any person aggrieved by any order, rule or regulation adopted by, or other decision of, the board may, by petition filed within twenty days after the publication or service of such order, rule, regulation or decision, obtain a review by the superior court of the proceedings of the board on which such order, rule, regulation or decision was based. A copy of such petition, attested by the clerk of the court, shall be forthwith served upon the board. The petitioner shall file in the court a transcript of the entire record in the proceedings, certified by the board, including the notice, the testimony received and the findings and order or decision of the board. The findings of the board as to the facts, if supported by evidence, shall be conclusive. No objection not urged before the board shall be considered in review. The court may, in its discretion, remit the record to the board for the correction of errors or for the taking of additional evidence. The court may make such findings as are warranted by all the evidence. Prior to the entry of a decree of revision or reversal, no order shall be made to stay

or supersede any order, rule, regulation or decision of the board, nor shall any court in any proceeding restrain or enjoin the board or restrain or enjoin enforcement of an order, rule, regulation or decision adopted by the board, except after a hearing of which the board shall have received not less than two days' notice in writing.

PENALTIES.

Section 22. Whoever violates any provision of this chapter or of any rule, regulation or order of the board made thereunder, except as herein otherwise expressly provided, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or both, and such fine may be imposed for each day during which such violation shall continue. A violation of any provision of this chapter or of similar provisions of earlier law may be reported by any person to the director, who shall investigate such complaint and may institute such action at law or in equity in any court of competent jurisdiction as may be necessary to enforce compliance with any provision of this chapter or of similar provisions of earlier law or any rule, regulation or order of the board made thereunder. Penalties.

CO-OPERATION WITH OTHER STATES AND THE UNITED STATES.

Section 23. When any agreement, license, rule, regulation or order made or issued pursuant to any relevant federal law shall be in effect in any market or geographical area within the commonwealth, any provision of this chapter, inconsistent or in conflict with such agreement, license, rule, regulation or order, shall not apply to such market or area; but, subject to the foregoing, this chapter shall be in effect throughout the commonwealth, including every such market and area. Conflicts with federal law regulated.

Section 24. (a) The board may confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within and among such states; may join in conducting joint investigations, holding joint hearings and issuing joint or concurrent orders; and may enter into one or more compacts for such uniform milk control, subject to such federal approval as may be authorized or required by law. Co-operation with United States and with other states.

(b) In order to promote such uniform milk control with respect to milk delivered for sale, distribution or use in any market located partly or wholly in this or any other state, the milk supply of which is at the time drawn in part from this commonwealth and in part from any other state, the board, after examination and investigation and after hearing held after due notice, may, if it finds that such action is beneficial to the public interest and will promote one or more of the purposes of this chapter, join, in fixing, or fix, Promotion of uniform milk control.

by such joint or concurrent and complementary order minimum prices to be paid by milk dealers to other milk dealers, producers or other persons for milk purchased, received, pasteurized, bottled or otherwise packaged, processed, or otherwise handled within the commonwealth for sale, distribution or disposal in any such market or natural marketing area; and may, if it finds such action beneficial to the public interest, in or in connection with any such order, include or adopt: —

(1) Any provision, term or condition which the board is by any other provision of this chapter empowered to include or adopt with reference to milk similarly purchased, received, pasteurized, bottled or otherwise packaged, processed, or otherwise handled, for sale, distribution or disposal in a market located in and drawing its milk supply wholly from within the commonwealth.

(2) Provisions whereby the board may join in the appointment of a joint market administrator or other joint agency, and defining his or its powers and duties which shall include only the following powers:

(i) To administer such joint order or concurrent and complementary orders, in accordance with its or their terms and provisions;

(ii) To make rules and regulations to effectuate said terms and provisions;

(iii) To receive, investigate and report complaints of violations of said order or orders; and

(3) Provisions that each milk dealer subject to such order or orders shall pay to said joint market administrator or other agency such handler's pro rata share, as approved by the board, of such expenses as the board finds will be necessarily incurred by such administrator or agency in administering said order or orders.

(4) Provisions for the joint calculation and announcement of

(i) Basic production averages for all producers delivering milk for sale or distribution as fluid milk in said market;

(ii) A common uniform price for all milk delivered to all milk dealers selling or distributing, or otherwise handling, milk in said market, or common uniform prices for all milk delivered by producers to each such milk dealer; subject in either case to adjustments for grade, quality, test or location, or to a further adjustment to make uniform the returns to all such producers for milk delivered within their basic production averages.

Purpose
of section.

(c) The purpose of this section is to promote co-operation with the legally constituted authorities of other states and of the United States with respect to uniform milk control. This section and the orders, rules and regulations of the board issued under authority thereof shall be interpreted and construed, together with any joint or concurrent and complementary orders of the legally constituted authorities of the United States or of other states, in such manner

as to effectuate the general purpose to make uniform the effect of the orders, rules and regulations of the board and of said authorities of the United States or of other states, regulating the interstate and intrastate transactions of milk dealers in or with respect to milk sold, distributed or disposed of in any such market.

Section 25. It is hereby declared that the production and distribution of milk is an industry affected with a paramount public interest relating to the public health. The intention and purpose of this chapter is hereby declared to extend to the regulation of said industry and to the control of all milk sold or offered for sale in the commonwealth, to the full extent permitted by the constitutions of the commonwealth and of the United States, respectively.

Milk industry affected with the public interest.

Section 26. If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Partial invalidity of chapter.

Section 27. This chapter may be cited as the Milk Control Law.

Citation of chapter.

SECTION 3. The provisions of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, as amended by chapter three hundred of the acts of nineteen hundred and thirty-six, chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-seven, chapters two hundred and seventy-nine and three hundred and thirty-four of the acts of nineteen hundred and thirty-eight, chapters three hundred and two and four hundred and thirteen of the acts of nineteen hundred and thirty-nine, and chapter four hundred and eighteen of the acts of nineteen hundred and forty-one, are hereby repealed; but, to the fullest extent possible conformably to its terms, this act shall be construed as a continuation of said provisions and not as a new enactment. All orders, rules and regulations adopted and licenses issued by the milk control board under authority of said chapter three hundred and seventy-six, as amended, shall continue in force after the effective date of this act unless and until suspended, revised, rescinded, cancelled or revoked by the milk control board pursuant to section nine of chapter twenty and any pertinent provisions of chapter ninety-four A of the General Laws, except that orders issued pursuant to paragraph (C) of section fifteen of said chapter three hundred and seventy-six shall not continue in force for more than six months after said effective date.

1934, 376, etc., 1937, 428, 1938, 279 and 334, 1939, 302 and 413, and 1941, 418, repealed.

Construction of act.

SECTION 4. The office or position of each employee, temporary or permanent, of the milk control board as existing immediately prior to the effective date of this act, if such employee had been employed by such board prior to January thirty-first of the current year, or had been subsequently appointed to fill a vacancy caused by the resig-

Civil service status of employees unimpaired.

nation or death of a person who was employed by said board prior to said January thirty-first, shall, if such employee is employed by such board upon such effective date, become subject to chapter thirty-one of the General Laws and the rules and regulations made thereunder, and the tenure of office or employment of such employee shall be unlimited, subject, however, to such laws; provided, that the director of civil service shall, as soon as may be after such effective date, require such employee to take a qualifying civil service examination based on the duties which such employee has been performing. No person other than an employee referred to in the preceding sentence shall serve in any office or position under the milk control board established by this act except upon certification from an eligible list established as the result of a competitive civil service examination under said chapter thirty-one.

Members of
milk control
board con-
tinued in office.

SECTION 5. The members of the milk control board, established by chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-four, in office immediately prior to the effective date of this act shall serve as members of the milk control board created by section one of this act until the qualification of a majority of the members of the board so created.

Effective date.

SECTION 6. This act shall take effect upon November thirtieth in the current year. *Approved October 24, 1941.*

Chap. 692 AN ACT EXEMPTING CERTAIN MOTOR VEHICLES FROM CERTAIN PROVISIONS OF LAW RELATIVE TO CARRIERS OF PROPERTY BY MOTOR VEHICLE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.) 159B,
§ 13, etc.,
amended.

Section thirteen of chapter one hundred and fifty-nine B of the General Laws, as appearing in section one of chapter four hundred and eighty-three of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Motor vehicles owned by the commonwealth or any of its political subdivisions, and any motor vehicle while engaged in the transportation of property for the commonwealth or any of its political subdivisions if the owner of such vehicle has no interest, directly or indirectly, in any other motor vehicle, shall be subject to section eighteen, but shall be exempt from all other provisions of this chapter, — so as to read as follows:— *Section 13.* Motor vehicles owned by the commonwealth or any of its political subdivisions, and any motor vehicle while engaged in the transportation of property for the commonwealth or any of its political subdivisions if the owner of such vehicle has no interest, directly or indirectly, in any other motor vehicle, shall be subject to section eighteen, but shall be exempt from all other provisions of this chapter. Motor vehicles while engaged exclusively in the delivery of the

State or mu-
nicipal ve-
hicles subject
to section
eighteen.

United States mail or any other work for the United States shall be exempt from all provisions of this chapter except section eighteen, but shall be subject to said section so far as may be permissible under the constitution and laws of the United States.

Approved October 24, 1941.

AN ACT FURTHER REGULATING THE CHARGES AND FEES FOR RE-EXAMINATION, AND LICENSE FEES, OF CERTAIN INSURANCE AGENTS, INSURANCE BROKERS AND ADJUSTERS OF FIRE LOSSES.

Chap. 693

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by striking out section fourteen, as most recently amended by section three of chapter six hundred and thirty-five of the acts of the current year, and inserting in place thereof the following section: — *Section 14.* He shall collect from the applicant and pay to the commonwealth charges and fees as follows: —

G. L. (Ter. Ed.), 175, § 14, etc., amended.

Collection of charges and fees by commissioner of insurance.

For each examination prior to granting a license or a certificate of authority to issue policies of insurance or annuity or pure endowment contracts as provided in sections four and thirty-two, fifty dollars;

For the valuation of life policies of a domestic company as provided in section nine, two and one half mills for each thousand dollars of insurance;

For each certificate issued under section sixteen, two dollars; provided, that such certificates shall be issued without charge for the use of the commonwealth;

For each certificate under section thirty-two, two dollars;

For each special license under clause (g) of section fifty-one or of section fifty-four, ten dollars;

For each certificate issued by the commissioner under section seventy or section seventy-one, two dollars;

For filing copy of charter or deed of settlement of each foreign company under section one hundred and fifty-one, thirty dollars;

For filing financial statement with the application for admission of a foreign company under section one hundred and fifty-one, and for the filing of each annual statement by a foreign company under section twenty-five, twenty dollars;

For each service of legal process upon him as attorney for a foreign company under section one hundred and fifty-one and section one hundred and fifty-four, two dollars; provided, that such fee shall not be required for the service of process in any criminal proceeding;

For each license or renewal thereof to an insurance agent of any company under section one hundred and sixty-three, two dollars;

For each license or renewal thereof to an insurance broker under section one hundred and sixty-six, twenty-five dollars;

For each license or renewal thereof to a special insurance broker under section one hundred and sixty-eight, twenty-five dollars;

For each license or renewal thereof to an adjuster of fire losses under section one hundred and seventy-two, fifty dollars;

For each license or renewal thereof to an insurance adviser under section one hundred and seventy-seven B, twenty-five dollars;

For each license or renewal thereof to a voluntary association under section one hundred and seventy-two A, to a partnership under section one hundred and seventy-three or to a corporation under section one hundred and seventy-four, the fees hereinbefore prescribed for like licenses issued to individuals under section one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-eight or one hundred and seventy-two, for each trustee, partner or officer to be covered by the license; provided, that the fee to be collected for an insurance broker's license issued under section one hundred and seventy-three to a partnership composed entirely of residents of other states of the United States eligible therefor under section one hundred and sixty-six, and covering all the partners, shall be twenty-five dollars and that the aggregate fees to be collected for such a license issued as aforesaid to any other partnership shall not exceed one hundred dollars;

For each certificate of the valuation of the policies of any life company and for each certificate of the examination, condition or qualification of a company, two dollars;

For each copy of any paper on file in the office of commissioner, twenty cents a page and for copies of tabulations, forty cents a page and two dollars for certifying the same; and

All other fees and charges due the commonwealth for any official act or service of the commissioner.

He shall also collect from the applicant and pay to the commonwealth charges and fees for re-examinations as follows:—

For each original re-examination and subsequent re-examination of an insurance agent licensed under section one hundred and sixty-three, one dollar;

For each original re-examination and subsequent re-examination of an insurance broker licensed under section one hundred and sixty-six, two dollars;

For each original re-examination and subsequent re-examination of an adjuster of fire losses licensed under section one hundred and seventy-two, two dollars;

For each original re-examination and subsequent re-examination of an insurance adviser licensed under section one hundred and seventy-seven B, ten dollars.

Approved October 24, 1941.

AN ACT FURTHER REGULATING THE USE OF SPECIAL HALLS *Chap.694*
FOR THE ENTERTAINMENT OF SPECTATORS DURING CER-
TAIN MONTHS IN EACH YEAR.

Be it enacted, etc., as follows:

Section one of chapter one hundred and forty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the definition of "Special hall" and inserting in place thereof the following: —

"Special hall", a building or part thereof containing an assembly hall with a seating capacity of more than four hundred which may be used for occasional performances for the entertainment of spectators, or, with the approval of the department, for continuous performances for the entertainment thereof in any year between June twentieth and September twentieth, with the use of scenery, under such conditions as the licensing officer shall direct, and for public gatherings.

Approved October 24, 1941.

G. L. (Ter. Ed.), 143, § 1, amended.

"Special hall" defined.

AN ACT AUTHORIZING THE TURNING-OVER OF THE BOSTON AIRPORT, SO CALLED, TO THE COMMONWEALTH AND PROVIDING FOR THE IMPROVEMENT THEREOF AND MAKING CERTAIN CHANGES IN THE LAWS RELATIVE TO AIRPORTS. *Chap.695*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prepare with the utmost expedition for national defence in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The term of the lease from the commonwealth to the city of Boston, in this act called the city, of land in that part of the city called East Boston, under chapter sixty-four of the resolves of nineteen hundred and twenty-eight, and the term of the lease from the commonwealth to the city of other land in said part of the city under chapter fifty-three of the resolves of nineteen hundred and thirty, shall, as provided in section two, terminate prior to the termination of the stated terms thereof, anything in either of said leases to the contrary notwithstanding, upon receipt by the city from the commonwealth of one million twenty-six thousand and eight hundred dollars (being the amount determined by the special commission, appointed under authority of chapter eight of the resolves of the current year, to be the values of certain items referred to in said leases). In this act the premises covered by the aforesaid leases are referred to as the airport property.

SECTION 2. Subject to section eleven, the commonwealth shall make to the city payment of the sum specified in section one at the office of the treasurer of the city dur-

ing regular office hours in the forenoon of any business day prior to the fortieth day following the effective date of this act. At one o'clock post meridian of the day of such payment, said date in this act being called the termination date, and without further action by the city or by the commonwealth, the terms of the aforesaid leases shall terminate, all interest of the city in and to the airport property, including buildings with the equipment therein contained, shall cease, the city shall deliver possession of said property to the commonwealth, subject to section four, and the commonwealth shall assume the city's financial responsibility for and take over, so far as it legally may, all unfinished work then being carried on by the city or by the Works Project Administration or other federal agency upon or for the benefit of the airport property, except any such work initiated after March thirty-first of the current year which shall not have been approved in advance in writing by the state department of public works, in this act called the department.

SECTION 3. Within sixty days after the termination date, the city shall account for and pay to the commonwealth all amounts received or receivable from the operation of the airport property between March thirty-first of the current year and the termination date, and the commonwealth shall reimburse the city for all expenditures made or incurred upon or for the benefit of the airport property during said period, except expenditures made or incurred for any new project or work upon or for the benefit of the airport property initiated during said period without the approval in advance in writing of the department.

SECTION 4. Upon the termination date, the commonwealth shall accept as tenants and licensees, under the terms of existing tenancies and licenses which were in effect on March thirty-first of the current year, all tenants and licensees of the city of portions of the airport property, or their assignees. The city shall hold the commonwealth harmless from loss or damage arising out of or in connection with any claim asserted by any such tenant, licensee or assignee in regard to a cause arising or accrued prior to the termination date.

SECTION 5. The department is hereby authorized to construct dikes and bulkheads and to do any other work at or adjacent to the airport property which in its opinion is necessary to provide an area within which filling may be placed for the enlargement of the airport property. No work authorized by this section or section six shall be begun until the Congress shall make available an initial sum of one million five hundred thousand dollars for dredging a seaplane channel in accordance with the project described in document three hundred and sixty-two of the seventy-sixth Congress, first session.

SECTION 6. The department is hereby authorized to furnish, free of cost to the United States of America, as and

when required, all lands, easements, rights of way and spoil-disposal areas for the initial work and subsequent maintenance in connection with the project referred to in section five. The commonwealth hereby agrees to hold and save the United States of America free from claims for damages resulting from the improvement under said project, and to give assurances satisfactory to the Secretary of War that it will, at its expense, provide suitable bulkheads, dikes or other structures for the retention of excavated material. The department is hereby authorized to acquire by purchase, gift, deed or otherwise, or to take by eminent domain under chapter seventy-nine of the General Laws, such lands, flats, or rights therein, public or private, as may be necessary for the purposes set forth in this section and section five.

SECTION 7. The department is hereby further authorized to fill, grade and construct runways, dikes and bulkheads, erect buildings and make other improvements at or adjacent to the airport, in accordance with plans prepared by or under direction of the department; provided, that no work shall be done in accordance therewith unless a copy of such plans shall first have been submitted to the Massachusetts aeronautics commission and said commission shall have made to the department its recommendations relative thereto or thirty days have elapsed without any such recommendations. In this section and the following sections of this act, the term airport shall mean the airport property as enlarged and improved in accordance with this act. For the purposes of this section, the department is hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or by purchase or otherwise, necessary public or private lands and rights and easements therein, including such air rights as may be certified by said commission to the department to be necessary to provide unobstructed air space for the safe and convenient landing and taking off of aircraft utilizing the airport, and also including the right or easement, for a limited period of time or perpetually, to place and maintain such suitable marks for the daytime, and to place, operate and maintain such suitable lights for the nighttime, marking of buildings, or other structures or obstructions, as may be necessary for the safe and convenient operation of aircraft utilizing the airport; provided, that no lands or rights or easements therein, other than air rights and rights or easements connected with the placing, operating and maintaining of marks and lights, shall be so acquired until after the department has submitted the proposition to said commission and said commission has made to the department its recommendations relative thereto or thirty days have elapsed without any such recommendations.

SECTION 8. The department, acting in the name and behalf of the commonwealth, may lease or convey to the United States of America, with or without consideration,

such part of the property at the airport as may be necessary for the construction and maintenance of any aid to aerial navigation. The department may also authorize the United States of America to use the airport without monetary consideration for such period as the airport shall be used for airport purposes and as the lease of Governor's island referred to in section ten shall remain in effect. The department may enter into such agreements with the federal government relative to the construction, maintenance and operation of the airport as may be necessary in order to obtain federal funds and assistance, and for such purposes may expend such funds in addition to any moneys provided therefor under section nine.

SECTION 9. Subject to the approval of the governor and council, the state treasurer, in order to provide funds for payment by the commonwealth to the city of the sum specified in section one, shall without further authority, and, in order to provide funds for other purposes of this act, shall from time to time upon the request of the commissioner of public works of the commonwealth, issue bonds of the commonwealth to an amount not exceeding, in the aggregate, the sum of two million dollars, which shall bear on their face the words BOSTON AIRPORT BONDS — 1941. Such bonds shall be issued as coupon or registered bonds for such term of years as may be recommended by the governor in accordance with section 3 of Article LXII of the amendments to the constitution, but such bonds shall be payable not earlier than July first, nineteen hundred and forty-three, nor later than July first, nineteen hundred and forty-eight. Such bonds shall bear interest at such rate as shall be fixed by the state treasurer, with the approval of the governor and council.

SECTION 10. The city, acting by its mayor and city council, is hereby authorized and empowered to transfer to the commonwealth without monetary consideration such right, title and interest as it may have as lessee in and to a lease given in the year nineteen hundred and thirty-six by the United States of America of Governor's island, an island in Boston harbor, and such right, title and interest as it may have in and to two parcels of land in Boston harbor, the first of said parcels consisting of Apple island, an island in Boston harbor, together with the flats appurtenant thereto, and the second of said parcels of land being a portion of the flats appurtenant to World War Memorial park, acquired for park purposes, lying east and south of a line marked T-U in the harbor line as described in chapter four hundred and eleven of the acts of nineteen hundred and thirty-nine, and said line as extended southwesterly to the property line between the said city flats and the flats of the commonwealth.

SECTION 11. The provisions of this act except this section shall be void and of no effect unless, within thirty days after the effective date of this act, the mayor of the city files in the office of the state secretary a writing or writings

in which he states that the city is ready and willing to carry out sections one to four, inclusive, and that the city, pursuant to action duly taken by its mayor and city council, will, upon receipt from the commonwealth of the sum specified in section one, make to the commonwealth the transfers referred to in section ten.

SECTION 12. Section two of chapter four hundred and seventy-six of the acts of nineteen hundred and thirty-nine is hereby repealed.

SECTION 13. Section thirty-nine of chapter ninety of the General Laws, as appearing in section three of chapter three hundred and ninety-three of the acts of nineteen hundred and thirty-nine, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: — The commission shall have supervision and control over all aeronautical activities and facilities within the commonwealth, which authority shall be deemed to include supervision and control over all airports, landing fields, landing strips, air instruction, air markings, air beacons and all air navigation facilities within the commonwealth; provided, that nothing in this paragraph shall be deemed to grant to or impose upon the commission any right or duty with respect to the management or maintenance of any such aeronautical activity or facility; and provided, further, that the commission shall have only advisory powers with respect to the management and maintenance of airports owned and maintained by the commonwealth.

G. L. (Ter. Ed.), 90, § 39, etc., amended.

Supervision, etc., of airports, etc.

SECTION 14. The commissioner of public works shall establish in the division of waterways a bureau of airport management. Said bureau shall be in charge of a manager to be appointed by said commissioner and shall, under the direction of the director of the division of waterways, maintain and operate all airports owned and maintained by the commonwealth.

SECTION 15. All receipts received by the commonwealth from the operation of airports owned and maintained by it shall be paid into the state treasury and credited to the Port of Boston Fund.

SECTION 16. The commissioner of public works may temporarily employ such engineering, clerical and other assistants as he deems necessary for the purpose of carrying out the work authorized by sections five, six and seven. Such persons shall be employed subject to chapter thirty-one of the General Laws, except that their employment may continue until the completion of said work, any provision of said chapter thirty-one to the contrary notwithstanding.

Approved October 24, 1941.

Chap. 696 AN ACT FOR THE ESTABLISHMENT OF A BOARD OF REGISTRATION OF ARCHITECTS AND FOR THE REGULATION OF THE PRACTICE OF ARCHITECTURE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, new §§ 44A-44D, added.

Board of registration of architects.

Appointment of members, etc.

Meetings of board.

Quorum.

Rules, etc., of board.

Annual report, etc.

Compensation of members.

SECTION 1. Chapter thirteen of the General Laws is hereby amended by adding after section forty-four, added by section one of chapter four hundred and twenty-eight of the acts of nineteen hundred and thirty-five, under the caption BOARD OF REGISTRATION OF ARCHITECTS, the four following new sections: — *Section 44A.* There shall be in the department of civil service and registration a board of registration of architects, in this and the following three sections called the board, to be appointed by the governor, with the advice and consent of the council, consisting of five members, citizens of the commonwealth, each of whom shall have been engaged in the practice of architecture for a period of ten years or more prior to his appointment, and, except in cases of members originally appointed to the board, shall be registered architects. As the term of office of a member of the board expires, his successor, qualified as aforesaid, shall be appointed by the governor, with like advice and consent, to serve for five years. Each member shall continue to serve until the qualification of his successor. The governor may also, with like advice and consent, fill any vacancy in the board for the unexpired portion of the term.

Section 44B. The board shall hold at least two regular meetings each year, and may hold special meetings as required. Time, place and notice of all meetings shall be as required by rules or by-laws determined by the board. At the first regular meeting each year, the board shall organize and choose from their own members, a chairman, a vice chairman and a secretary. A quorum shall consist of three members.

Section 44C. The board may make such rules or by-laws, not inconsistent with law, as it may deem necessary in the performance of its duties. The board shall have a seal, and its members may administer oaths in the performance of its duties. The board shall have power to summon witnesses and to take testimony and require proofs concerning all matters within its jurisdiction. The board shall annually render to the governor a report of its proceedings, which shall include an itemized statement of all receipts and expenses of the board for the year.

Section 44D. Each member of the board shall receive ten dollars for each day or portion thereof spent in the performance of his official duties; provided, that the total sum paid to any member thereof shall not exceed five hundred dollars in any one year; and, in addition, all proper traveling and incidental expenses actually incurred by him in connection with said duties. The board may appoint such clerks as may be necessary; provided, that the salaries and

expenses of the members of the board and its employees, and the expenses of the board, shall not be in excess of the receipts for registration and from other sources that have been received by the state treasurer from the board.

SECTION 2. Chapter one hundred and twelve of the General Laws is hereby amended by inserting after section sixty, as appearing in the Tercentenary Edition, under the caption REGISTRATION OF ARCHITECTS, the ten following new sections:— *Section 60A*. The following words as used in sections sixty A to sixty J, inclusive, unless the context otherwise requires, shall have the following meanings:—

G. L. (Ter. Ed.), 112, new §§ 60A–60J, inserted.

Definitions.

“Architecture”, any person who engages in the practice of architecture as hereinafter defined.

“Board”, the board of registration of architects established by section forty-four A of chapter thirteen.

“Certificate of registration”, the certificate of annual registration, issued by the board.

“Practice of architecture”, performing or holding one’s self out as being able to perform the professional services of planning, specifying and supervising construction in connection with public or private building, structures or projects.

“Principal”, any person who has been or is the head of an organization practicing architecture.

Section 60B. Any citizen of the United States or any person who has duly declared his intention of becoming such citizen and taken out his first papers, who is at least twenty-five years of age and of good moral character, may apply to the board for registration under sections sixty A to sixty J, inclusive.

Application for registration. Fee.

Every applicant for registration as an architect shall pay to the board, upon filing his application therefor, a fee of twenty-five dollars.

Section 60C. Every person applying to the board for registration shall submit with his application to the board evidence of graduation from a recognized high school or its equivalent. The applicant shall also submit satisfactory evidence of (a) at least two years’ satisfactory work in a recognized architectural school and five years’ practical work in an architect’s office, or its equivalent as approved by the board; or (b) at least eight years’ satisfactory work in the offices of architects, or its equivalent as approved by the board. The board shall thereupon examine the applicant in writing, on such technical and professional subjects as are prescribed by it. A written examination may be supplemented by such oral examination as the board may determine. The board may exempt from the written examination herein prescribed:— (a) an architect duly licensed or registered in any other state or political subdivision of the United States; (b) a holder of a certificate of qualification issued by the National Council of Architectural Registration Boards; (c) any person who has lawfully practiced architecture outside the commonwealth for a period of at least

Qualifications for registration. Examination, etc. Exemptions.

ten years. The board may require an oral examination, the character of which shall be determined by the board.

Section 60D. On or about May first of each year, the board shall mail to every registered architect in the commonwealth a blank application for renewal of certificate of registration. Such blanks properly filled out, together with a renewal fee of five dollars, shall be returned to the board on or before the following first day of August. After verifications of the facts stated on the renewal blanks, the board shall issue a certificate of annual registration, dated September first, and which shall expire on August thirty-first of the year following. Any holder of a certificate of registration who fails to renew his application within sixty days after notification by the board that his license has expired, shall, before again engaging in the practice of architecture within the commonwealth, be required to register anew, pay a fee of twenty dollars and may be required by the board to be re-examined.

Section 60E. Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, or place of business or employment within the commonwealth.

Section 60F. Every registered architect shall have a seal, of a design authorized by the board, and all working drawings, specifications and reports prepared by such registered architect, or under his supervision, shall be stamped with an impression of said seal, when filed with public authorities. No person shall seal or sign any document as a registered architect, unless at such time the registrant's certificate be in full force.

Section 60G. The board may revoke, suspend or annul the certificate of registration, or reprimand, censure or otherwise discipline a registrant, upon proof satisfactory to the board: (a) that the holder of such certificate of registration is practicing in the commonwealth in violation of any provision of sections sixty A to sixty J, inclusive, or of any rule or regulation promulgated under authority thereof by the board; (b) that such certificate of registration was obtained by fraud or misrepresentation; (c) that any money or thing of value, except fees prescribed or authorized by said sections, was paid or received to secure the issuance of such certificate of registration; (d) that the holder of such certificate of registration has been guilty of fraud or deceit, or of gross negligence, incompetence or misconduct, in the practice of architecture; or (e) that the holder of such certificate of registration has permitted or suffered his official seal to be affixed to any plans, specifications or drawings not prepared by him or under his personal supervision by his regularly employed subordinates.

Section 60H. Charges against an architect involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. Such charges, at the discretion of the board, shall be heard within thirty

Renewal of
certificates of
registration.

Fee.

Display of
certificate of
registration.

Seal for
registered
architects.

Revocation,
etc., of cer-
tificate of
registration,
grounds for.

Charges to
be in writing,
etc.

Hearings, etc.

days after being so filed. The accused architect shall have the right at such hearing to appear personally, with or without counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defence. The board shall set the time and place for such hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused architect, at his latest place of residence or business known to the board, at least ten days before such date. If after such hearing the board finds the accused architect guilty of the charges, or any of them, it shall issue an order revoking, suspending or annulling the certificate of registration of the accused architect, or reprimanding, censuring or otherwise disciplining him. If the board finds him not guilty it shall enter an order dismissing the charges. If such order be that a certificate of registration be revoked, suspended or annulled, the board shall in writing so notify the state secretary and the clerk of the city or town in the commonwealth wherein such architect has his principal place of business. The board may re-issue a certificate of registration to any person whose certificate of registration has been revoked. Application for the re-issuance of a certificate of registration shall be made in such manner as the board may direct, and shall be accompanied by a fee of twenty-five dollars.

Section 60I. Every certificate of registration issued and remaining in force, under any provision of sections sixty A to sixty J, inclusive, shall be prima facie evidence in all courts of the commonwealth that the person named therein is legally registered as an architect for the period for which it is issued, and of all other facts therein stated.

Certificate of registration as evidence.

Section 60J. A roster, showing the names and last known places of business of all registered architects, shall be prepared by the board during the month of January of each year. Copies of such roster shall be mailed to each person so registered, placed on file with the state secretary, and furnished to the public on request.

Roster of registered architects.

SECTION 3. Any person complying with section sixty D of chapter one hundred and twelve of the General Laws, inserted by section two of this act, who applies to the board of registration of architects prior to January first, nineteen hundred and forty-three, and has been a citizen of the commonwealth for at least two years prior to date of application, shall be given a certificate of registration if qualified as follows: —

Issuance of certificates to certain applicants.

(a) Upon presentation to said board of satisfactory proof that the applicant has been engaged as principal in the practice of architecture as his chief occupation for a period of five years prior to the date of application for registration; or

(b) Upon presentation to said board of satisfactory proof that the applicant has been employed on architectural work in the offices of practicing architects, or architect, for a period of at least eight years prior to date of application, and

after passing an oral examination the character of which shall be determined by said board. The scope of the examination shall have special reference to an applicant's ability to design and supervise architectural construction, so as to insure the safety of life, health and property; or

(c) Upon presentation to said board of proof that the applicant has satisfactorily completed the prescribed course in a recognized architectural school and has had at least three years' practical experience in an architect's office or its equivalent, as approved by said board.

Members of
board, ap-
pointment of.

SECTION 4. The governor, with the advice and consent of the council, shall appoint five persons, citizens of the commonwealth, to serve as the board of registration of architects, as hereinbefore established, of whom one shall serve for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years, as the governor may designate, from the date of appointment.

Approved October 24, 1941.

Chap. 697 AN ACT RELATIVE TO THE FILING OF NOTICES OF INTENTION OF MARRIAGE.

Emergency
preamble.

Whereas, The subject matter of this act is so related to that of chapter six hundred and one of the acts of the current year that they both ought to take effect at the same time, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 207,
§ 20B, etc.,
amended.

SECTION 1. Section twenty B of chapter two hundred and seven of the General Laws, inserted by section one of chapter six hundred and one of the acts of nineteen hundred and forty-one, is hereby amended by striking out, in the fifth line, the words "registered physician" and inserting in place thereof the following: — qualified physician registered and practicing in the commonwealth or a commissioned medical officer on active service in the armed forces of the United States, — so that the first paragraph will read as follows: — Except as hereinafter provided, such notice of intention of marriage shall not be accepted by the clerk or registrar until he has received from each party to the intended marriage a certificate signed by a qualified physician registered and practicing in the commonwealth or a commissioned medical officer on active service in the armed forces of the United States who has examined such party as hereinafter provided. If such physician, in making such examination, discovers evidence of any infectious disease declared by the state department of public health to be dangerous to the public health, he shall inform both parties of the nature of such infectious disease and of the possibilities of transmitting the same to his or her marital partner or to their children. Such examination shall include a standard serological test for

Notice of
intention of
marriage.

syphilis and said test shall be made by a laboratory of said department or by a laboratory approved by it for such test.

SECTION 2. Said section twenty B, as so inserted, is hereby further amended by striking out the second paragraph and inserting in place thereof the three following paragraphs: —

G. L. (Ter. Ed.), 207, § 20B, etc., further amended.

Such certificate by a physician registered and practicing in the commonwealth shall read as follows: — I (name and address of physician), a registered physician of (city or town) in the commonwealth of Massachusetts declare that on (month, day, year) I examined (name and address of party) in accordance with section twenty B of chapter two hundred and seven of the General Laws. This certificate is made under the penalties of perjury.

Notice of intention of marriage, physician's certificate.

Such certificate by a commissioned medical officer on active service in the armed forces of the United States shall read as follows: — I (name and address of physician) a (rank or title) serving in the (name of unit) of the United States on oath declare that on (month, day, year) I examined (name and home address of party) in accordance with section twenty B of chapter two hundred and seven of the General Laws of the commonwealth of Massachusetts.

Blank forms of certificates required under this section shall be furnished to city and town clerks by the department of public health.

SECTION 3. This act shall take effect on October thirty-first in the current year, being the effective date of said chapter six hundred and one.

Effective date.

Approved October 27, 1941.

AN ACT RELATIVE TO THE ANNEXATION BY THE CITY OF FITCHBURG OF A PART OF THE CITY OF LEOMINSTER AND THE ANNEXATION BY SAID CITY OF LEOMINSTER OF A PART OF SAID CITY OF FITCHBURG, AND MAKING CHANGES IN CERTAIN LAWS RELATIVE TO THE TERRITORY AFFECTED.

Chap. 698

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-seven of the acts of nineteen hundred and forty-one is hereby amended by inserting after section two the following three new sections: — *Section 2A.* The inhabitants of the estates within the territory in the cities of Fitchburg and Leominster, respectively, which is affected by this act, and the owners of such estates, shall be holden to pay all arrears of taxes which have legally been assessed upon them prior to the effective date of this act, and such taxes shall be collected by the collector of the city by which said taxes were originally assessed.

Section 2B. Each of said cities shall continue to be liable, but not for more than five years, for the support of any person now or hereafter needing relief or support, who had a legal settlement in such city immediately prior to the effective date of this act, either by original acquisition or by

derivation, until such settlement is defeated or lost. Any person residing within the territory affected by this act, but having no legal settlement therein when this act becomes effective, who had begun or thereafter begins to acquire a legal settlement by the laws in force at and before the time when this act takes effect, shall not thereby be prevented from acquiring or completing a legal settlement in the city to which such territory was transferred by this act.

Section 2C. The inhabitants of the territory set off from the city of Leominster and annexed to the city of Fitchburg and of that set off from the city of Fitchburg and annexed to the city of Leominster by this act shall, if qualified to vote in such territory, continue to be voters of the city of Leominster and the city of Fitchburg, respectively, for the purpose of electing representatives in the general court, until the next apportionment shall be made. It shall be the duty of the board of registrars of voters of each of said cities to make true lists of the persons within the territory hereby annexed thereto, qualified to vote at any such election, and to post a list in the said territory and to correct the same, as required by law, and to deliver the same to the registrars of voters of the city from which said territory was set off at least seven days before any such election, and the same shall be taken and used for any such election in the same manner as if it had been prepared by the board of registrars of such city.

SECTION 2. This act shall take effect as of the effective date of said chapter thirty-seven of the acts of nineteen hundred and forty-one. *Approved October 27, 1941.*

Chap. 699 AN ACT RELATIVE TO THE FURNISHING OF CERTAIN PERFORMANCE BONDS IN CONNECTION WITH CONTRACTS FOR CERTAIN PUBLIC WORKS, AND RELATIVE TO FAIR COMPETITION FOR BIDDERS ON THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, REMODELLING OR REPAIR OF CERTAIN PUBLIC WORKS BY THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 149, § 44A, etc., amended.

Awarding of contracts for public buildings, etc.

SECTION 1. Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section forty-four A, as appearing in chapter four hundred and eighty of the acts of nineteen hundred and thirty-nine, and inserting in place thereof the following: — *Section 44A.* Every contract for the construction, reconstruction, alteration, remodelling or repair of any public building by the commonwealth, or by any county, city, town, district, board, commission or other public body and estimated to cost more than five thousand dollars in the case of the commonwealth, and more than one thousand dollars in the case of any county, city, town, district, board, commission or other public body, shall be awarded on the basis of competitive bids to the lowest responsible and eligible bidder. The term

“lowest responsible and eligible bidder”, as used herein and in sections forty-four B to forty-four D, inclusive, shall mean the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to the faithful performance of the work in case no substitution of sub-contractors is made in accordance with section forty-four C, or whose original or adjusted bid is the lowest of such bidders in the event of such substitution or substitutions. Essential information in regard to such qualifications shall be submitted in such form as the awarding authority may require. The awarding authority shall reserve the right to reject any or all bids, if it be in the public interest so to do.

SECTION 2. Section forty-four C of said chapter one hundred and forty-nine, as so appearing, is hereby further amended by striking out subsection (B) and inserting in place thereof the following subsection:—

G. L. (Ter. Ed.), 149, § 44C, etc., amended.

(B) All principal and such minor sub-contractors as are designated in the proposal form shall deliver or mail to the awarding authority record copies of all bids sent by them to the general contractor. All such bids shall be in sealed envelopes, plainly marked on the outside with the sub-contractor's name, and shall also have marked on the outside the name or names of bidders they include in their bids for any portion of the work, involving labor and materials. All such bids shall be in the possession of the awarding authority, and delivered or mailed to the general contractor, by twelve o'clock noon at least two days before the date for receipt of general contract proposals. The date and time limit for receipt of such bids shall be stated in each section of the specifications. No recorded sub-bids shall be opened by the awarding authorities until after the selection of the general contractor.

Procedure in bidding, etc.

No sub-bid shall be considered in the final selection of sub-bidders, as hereinafter described, except those filed with the awarding authority as above provided.

Each sub-bidder shall endorse the copy of his bid filed with the awarding authority as follows:—“The above proposal is being sent to the following general bidders:—.....

.....
The proposal may not be used by any other general contractor without the consent of the undersigned”, and sign such copy.

SECTION 3. Said section forty-four C, as so appearing, is hereby further amended by adding at the end of subsection (D) the following new sentence:— If after the substitution of sub-contractors under this subsection or subsection E, the selected general contractor is no longer the lowest responsible and eligible bidder, then a new selection shall be made and the sub-bidders of said newly selected general contractor similarly considered.

G. L. (Ter. Ed.), 149, § 44C, etc., further amended.

Substituted sub-contractor.

SECTION 4. Subsection (E) of said section forty-four C, as so appearing, is hereby amended by striking out the first

G. L. (Ter. Ed.), 149, § 44C, etc.,

further
amended.

Sub-contractor,
failure
to qualify.

G. L. (Ter.
Ed.), 149,
§ 44C, etc.,
further
amended.

New sub-bids.

Draft of Pro-
posal Form.

paragraph and inserting in place thereof the following paragraph:—

If a sub-contractor who has been selected and included in the general contract fails to sign the sub-contract within ten days after notice of selection, or fails to furnish a performance bond to the general contractor within ten days after notice of selection if required so to do by the general contractor or the awarding authority, by an instrument in writing mailed or delivered to such sub-contractor with, or within five days after, such notice of selection, the awarding authority, architect and engineer, or any one or more of them, and the general contractor shall select, from the sub-bidders who have conformed to the bidding procedure, the next lowest bidder at the amount named in such sub-bid, and the total contract price shall be revised in accordance with the change in figures as submitted.

SECTION 5. Said section forty-four C, as so appearing, is hereby further amended by adding at the end of subsection (E) the following new sentence:— Such new bids shall be obtained by written invitation to three or more qualified sub-bidders and shall be publicly opened at a time and place to be specified in the invitation for bids.

SECTION 6. The "*Draft of Proposal Form*" appended to said section forty-four C is hereby amended by adding at the end of the last paragraph setting forth the subject matter of such form the following:— ; provided, that any such sub-bidder may be required by the general contractor or the awarding authority, by an instrument in writing delivered or mailed by such contractor or authority to such sub-bidder, to furnish a performance bond with a surety company, authorized to transact business in the commonwealth, as surety, in the sum of twenty-five per cent of amount of the sub-bid, the premium for which bond is to be paid by the sub-bidder, — so that said paragraph will read as follows:—

The undersigned agrees that if he is selected as general contractor he will promptly confer with the awarding authority on the question of sub-bidders and that the awarding authority may substitute for any sub-bids listed above, the names and amounts of sub-bids as submitted for this work and filed with the awarding authority, as required by the notice to bidders, against whose standing and ability the undersigned makes no objection, and that he will use all such finally selected sub-bidders at the amounts so named and be in every way as responsible for them and their work as if they had been originally named in this proposal, the total contract price being adjusted to conform thereto; provided, that any such sub-bidder may be required by the general contractor or the awarding authority, by an instrument in writing delivered or mailed by such contractor or authority to such sub-bidder, to furnish a performance bond with a surety company, authorized to transact business in the commonwealth, as surety, in the sum of twenty-five per

cent of amount of the sub-bid, the premium for which bond is to be paid by the sub-bidder.

SECTION 7. The "*Proposal Form (Sub-Bidder)*" appended to said section forty-four C is hereby amended by inserting at the end of the paragraph contained in the fourteenth to the eighteenth lines, inclusive, the following: —, and, if so required by the general contractor or the awarding authority, by an instrument in writing delivered or mailed by such contractor or authority to the undersigned, to furnish a performance bond with a surety company, authorized to transact business in the commonwealth, as surety, in the sum of twenty-five per cent of the contract sum, the premium for which bond is to be paid by the undersigned, — so that said paragraph will read as follows: —

Proposal
Form (Sub-
Bidder).

The undersigned further agrees to be bound to the general contractor by the terms of the general conditions, drawings and specifications, and to assume toward him all the obligations and responsibilities that he, by those documents, assumes toward the owner, and, if so required by the general contractor or the awarding authority, by an instrument in writing delivered or mailed by such contractor or authority to the undersigned, to furnish a performance bond with a surety company, authorized to transact business in the commonwealth, as surety, in the sum of twenty-five per cent of the contract sum, the premium for which bond is to be paid by the undersigned.

Approved October 27, 1941.

AN ACT RELATIVE TO STAY OF JUDGMENT AND EXECUTION IN *Chap.700*
ACTIONS OF SUMMARY PROCESS.

Be it enacted, etc., as follows:

SECTION 1. So long as this act continues in force, a stay of judgment and execution may be granted under sections nine to thirteen, inclusive, of chapter two hundred and thirty-nine of the General Laws, for a period not exceeding two months instead of one month as now provided by section nine of said chapter.

SECTION 2. This act shall not apply to pending causes of action.

SECTION 3. This act shall take effect upon its passage, and shall become inoperative on October first, nineteen hundred and forty-three.

Approved October 28, 1941.

AN ACT RELATIVE TO THE PAYMENT OF UNEMPLOYMENT *Chap.701*
COMPENSATION BENEFITS TO PERSONS UPON TERMINA-
TION OF SERVICE IN THE MILITARY OR NAVAL FORCES OF
THE UNITED STATES DURING THE PRESENT NATIONAL
EMERGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite the payment of unemployment compensation benefits to persons upon the

Emergency
preamble.

termination of service by them in the military or naval forces of the United States during the present national emergency, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Any person who is inducted into or who enlists or volunteers for induction into any branch of the military or naval service of the United States under the terms of the Selective Service and Training Act of 1940, or under Public Resolution — No. 96 — 76th Congress, or Acts or Resolutions in amendment thereof, and terminates such military or naval service, shall be entitled to receive weekly benefits for unemployment under the provisions of chapter one hundred and fifty-one A of the General Laws, as modified by this act, if — (a) He has filed a claim for benefits at a date subsequent to his termination of active military or naval service, but prior to the April first next but one succeeding the date of such termination; and (b) He has made application under the provisions of said Selective Service and Training Act of 1940, or Public Resolution — No. 96 — 76th Congress, or Acts or Resolutions in amendment thereof, for his former position in permanent employment, if any, within forty days from his termination of active military or naval service; or has satisfied the director of the division of employment security that he has had reasonable cause for not having made such application within said period of forty days, and, in addition, has satisfied said director that he has subsequently made reasonable effort to re-enter his former position in permanent employment or other suitable employment; and (c) He has been paid wages of one hundred and fifty dollars or more in the base period defined in said chapter one hundred and fifty-one A combined with the calendar year next succeeding such base period, and is otherwise eligible for weekly benefits for unemployment under the provisions of the employment security law.

SECTION 2. (a) The aggregate amount of benefits payable to such person shall be the total amount of benefits not previously paid to him, based on the total of wages paid in the base period, as so defined, effective at the time of induction or enlistment into service, plus the total amount of benefits based on the total of wages paid during the calendar year next succeeding such base period. (b) The weekly benefit rate for each week of unemployment shall be an amount based on the highest quarterly wages paid during the total period of time referred to in subsection (a) of this section. (c) The aggregate amount of benefits and weekly benefit rate for unemployment under subsections (a) and (b) of this section shall apply for the remainder of the benefit year, as defined in said chapter one hundred and fifty-one A, in effect at the time of such person's release from

active military or naval service and the balance of such aggregate amount of benefits to his credit at the end of such benefit year, as "benefit year" is so defined, and the weekly benefit rate for unemployment shall apply for the first full benefit year after termination of active military or naval service; provided, that in no benefit year shall benefits be paid in an amount more than twenty times the weekly benefit rate. (d) If at the time of such person's first filing of a claim for unemployment benefits after termination of active military or naval service the aggregate amount of benefits for his then current benefit year is greater under the provisions contained in said chapter one hundred and fifty-one A than the amount otherwise provided for in this act he shall in lieu thereof and if otherwise eligible under said chapter one hundred and fifty-one A be paid the aggregate amount of benefits and at the weekly rates under said chapter and subject to provisions contained in said chapter.

SECTION 3. This act shall not apply where a person elects to continue in the active military or naval service of the United States beyond the compulsory period of his enlistment or induction under the terms of the Selective Service and Training Act of 1940 or under Public Resolution — No. 96 — 76th Congress or Acts or Resolutions in amendment thereof.

SECTION 4. For the purposes of employers' experience rating, wages paid in all base periods used in said chapter one hundred and fifty-one A, as modified by this act, to compute reserved benefits for an individual shall be deemed to be wages earned in a single base period; provided, that benefit wages used in such computation that were previously charged to the experience of an employer shall not be charged again.

SECTION 5. If, under an act of Congress, payments with respect to the unemployment of persons who have completed a period of active military or naval service are payable by the United States, such persons shall be disqualified for benefits with respect to any week until they have exhausted all their rights to such payments from the United States.

SECTION 6. All provisions of the employment security law, except as otherwise provided by this act, shall remain in full force and effect.

SECTION 7. The director of the division of employment security may take such action and prescribe such procedure as he deems advisable or necessary for the administration and enforcement of this act. *Approved October 28, 1941.*

Chap. 702 AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF CERTAIN LANDS IN THE COUNTIES OF NORFOLK AND PLYMOUTH FOR THE PURPOSES OF A NAVAL AMMUNITION DEPOT AND A LIGHTER-THAN-AIR BASE, SO CALLED, AND CEDING JURISDICTION OF SAID LANDS TO SAID UNITED STATES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to grant the consent of the commonwealth to the immediate acquisition of lands necessary for expanding the naval ammunition depot in the town of Hingham and for establishing a lighter-than-air base in the town of Weymouth and to cede jurisdiction over lands so acquired for the purposes of national defense, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the acquisition on or before April first, nineteen hundred and forty-three, by the United States of America, by purchase or condemnation, for the purpose of expanding the naval ammunition depot at Hingham, of a certain area shown on a plan filed in the office of the state secretary, entitled "Map of Approved Property Lines Extension of Naval Ammunition Depot, Hingham, Mass., property lines in Hingham, Norwell, Scituate (Plymouth county), Cohasset (Norfolk county), scale 400 feet to an inch, Whitman & Howard, Engineers, approved Sept. 13, 1941, H. E. Wilson, Commander, U. S. N., Public Works Officer, First Naval District", and dated September fifth, nineteen hundred and forty-one, and revised September seventeenth, nineteen hundred and forty-one, containing total area 3,747.63 acres. Like consent is hereby granted to the purchase, for the aforesaid purpose, of such portion of any parcel of land partly included within said area as lies outside the limits thereof; provided, that suitable plans of any such additional land so purchased have been filed in the office of the state secretary prior to the purchase thereof or shall be so filed within one year thereafter. The consent of the commonwealth is hereby granted to the acquisition on or before said April first by said United States, by purchase or condemnation, of a certain area of approximately one and eight tenths square miles located in the southerly part of Weymouth, the northwesterly corner of Rockland and the northeasterly corner of Abington, for the purpose of establishing a lighter-than-air base, so called; provided, that suitable plans of the area to be acquired have been filed in the office of the state secretary prior to the acquisition thereof or shall be so filed within one year thereafter. Railroad tracks constructed on said first mentioned area may cross at grade the state highway known as Route 3A, in accordance with plans approved by the department of public works, and

section one hundred and two of chapter one hundred and sixty of the General Laws shall not apply in such case.

SECTION 2. Jurisdiction over any area referred to in section one which is acquired by said United States is hereby granted and ceded to it, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with said United States in and over such area, in so far that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said area and all processes for the collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this consent and cession had not been granted; and exclusive jurisdiction over any such area or any part thereof shall revert in the commonwealth whenever it shall cease to be used by said United States for the purpose for which it was acquired as aforesaid.

SECTION 3. The department of public works is hereby authorized to make all contracts and agreements and do all other things necessary to co-operate with said United States in laying out, constructing and improving public ways to replace public ways now located in any area mentioned in section one. Land or rights in land may be taken for such public ways by eminent domain under chapter seventy-nine of the General Laws by said department in behalf of the commonwealth, or in behalf of the town in which the land lies; provided, that the commonwealth shall be liable for damages for all such takings and that there shall be no liability upon any town therefor.

Said department may use for the purposes of this section any funds which may be available for the construction and maintenance of state highways, and all reimbursements from said United States for sums expended for the purposes of this section shall be received by the state treasurer and shall be expended upon the order or approval of said department without specific appropriation.

SECTION 4. The Trustees of Public Reservations, a Massachusetts charitable corporation, incorporated by chapter three hundred and fifty-two of the acts of eighteen hundred and ninety-one, is hereby authorized and empowered to sell to said United States for such consideration as it sees fit any or all of the lands or rights owned by it within the areas mentioned in section one. The proceeds received by said corporation from any sale or condemnation of any such lands or rights shall be devoted to the purposes for which it was incorporated.

Approved October 28, 1941.

AN ACT RELATIVE TO THE ADJUSTMENT OF FIRE LOSSES.

Chap. 703

Be it enacted, etc., as follows:

Section one hundred and seventy-two of chapter one hundred and seventy-five of the General Laws, as appearing in

G. L. (Ter. Ed.), 175, § 172, amended.

Adjustment
of fire losses,
etc.

Penalty.

the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following: — No contract in writing for the adjustment or appraisal of a fire loss shall be made in this commonwealth until a copy of the form of such contract has been on file for thirty days with the commissioner, unless before the expiration of said period he shall have approved the form in writing; nor if he notifies the adjuster of fire losses in writing within said period that the form of such contract has been disapproved by him, specifying his reasons therefor, provided that such action of the commissioner shall be subject to review by the superior court. Whoever acts as an adjuster of fire losses, as defined in section one hundred and sixty-two, without such license or during a suspension of his license, or in violation of any provision of this section, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Approved October 28, 1941.

Chap. 704 AN ACT RELATIVE TO AGRICULTURAL CARRIERS OF PROPERTY BY MOTOR VEHICLE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 159B,
§ 2, etc.,
amended.

SECTION 1. Section two of chapter one hundred and fifty-nine B of the General Laws, as amended, is hereby further amended by inserting after the introductory paragraph, as appearing in section one of chapter four hundred and eighty-three of the acts of nineteen hundred and thirty-eight, the following new paragraph: —

Definition.

“Agricultural carrier by motor vehicle”, any person whose principal business is agriculture, who owns or occupies lands used for the production of agricultural products, and who transports by motor vehicle for compensation over irregular routes between points within the commonwealth agricultural products from any lands so used, and materials and supplies to any such lands for use for agricultural purposes.

G. L. (Ter.
Ed.), 159B,
§ 2, etc.,
further
amended.

SECTION 2. Said section two, as so amended, is hereby further amended by striking out the paragraphs containing the definitions of “Contract carrier by motor vehicle”, “Motor carrier” and “Permit”, as so appearing, and inserting in place thereof, respectively, the following paragraphs: —

Definitions.

“Contract carrier by motor vehicle”, any person, not included in the term “common carrier by motor vehicle” or in the term “agricultural carrier by motor vehicle”, who, under special and individual contracts or agreements, directly or by his agent or under a lease or any other arrangements, transports property by motor vehicle for compensation upon ways.

“Motor carrier” shall include a common carrier by motor vehicle, a contract carrier by motor vehicle and an agricultural carrier by motor vehicle.

“Permit” shall mean, (1) except in section fifteen A, a permit issued under this chapter or corresponding provisions of earlier laws to a contract carrier by motor vehicle; and (2), in section fifteen A, a permit issued to an agricultural carrier by motor vehicle.

SECTION 3. Said chapter one hundred and fifty-nine B is hereby further amended by inserting after section fifteen, as so appearing, the following new section: — *Section 15A.* No person shall engage in the business of an agricultural carrier by motor vehicle unless there is in effect with respect to such carrier an agricultural carrier’s permit issued by the department. Each application for such a permit shall be in writing in such form and contain such information as the department may require and be verified by oath or written declaration that it is made under the penalties of perjury. Upon the filing of such an application the department shall hold a hearing, with or without the notice required by paragraph (b) of section three, and if it finds that the applicant is fit, willing and able to provide the services proposed and otherwise to conform to this chapter and the lawful requirements, orders, rules and regulations of the department thereunder, may issue an agricultural carrier’s permit to the applicant, upon the filing of a schedule of rates and charges acceptable to the department; otherwise, such application shall be denied. The department shall specify in the permit the operations covered thereby at the time of issuance and from time to time thereafter shall attach to it such terms and conditions, not inconsistent with the status of the holder as an agricultural carrier, as the public interest may require. A suitable distinguishing plate shall be prescribed and furnished by the department annually for each of the vehicles necessary for the conduct of the business of the holder of the permit. Section nine shall apply to such plates except that the annual charge for each such plate shall be one dollar.

G. L. (Ter. Ed.), 159B, new § 15A, inserted.

Agricultural carrier’s permit, issuance of, etc.

SECTION 4. This act shall take effect July first, nineteen hundred and forty-two.

Effective date.

Approved October 28, 1941.

AN ACT AUTHORIZING THE TOWN OF STOUGHTON TO SUPPLY WATER TO THE TOWN OF AVON.

Chap. 705

Be it enacted, etc., as follows:

SECTION 1. The town of Stoughton may supply water to the town of Avon upon such terms and conditions as may mutually be agreed upon by said towns; and said town of Avon is hereby authorized to purchase such water upon such terms and conditions.

SECTION 2. So much of chapter two hundred and forty of the acts of eighteen hundred and eighty-six, as amended, as is inconsistent with section one of this act is hereby repealed.

SECTION 3. This act shall take full effect upon its acceptance by a majority of the registered voters of the town of Stoughton present and voting thereon at a town meeting

called for the purpose within three years after its passage, but the number of town meetings held for such purpose within any year shall not exceed three.

Approved October 28, 1941.

Chap. 706 AN ACT RELATIVE TO THE TRANSFER OF THE INSANE TO AND FROM THE WARDS OF THE TEWKSBURY STATE HOSPITAL AND INFIRMARY USED FOR THEIR CARE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 123, § 22, etc., amended.

Transfer of insane to and from state hospital, etc.

Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section twenty-two, as most recently amended by section forty of chapter three hundred and fifty-one of the acts of nineteen hundred and forty-one, and inserting in place thereof the following:—
Section 22. The department shall have the same authority with regard to the transfer of the insane to and from the wards of the Tewksbury state hospital and infirmary now or hereafter used for the care of the insane, which it has over the transfer of inmates of state hospitals, under section twenty; but the said wards shall remain under the jurisdiction of the trustees of said hospital and infirmary and the control of its superintendent.

Approved October 28, 1941.

Chap. 707 AN ACT ESTABLISHING WITHIN THE DEPARTMENT OF LABOR AND INDUSTRIES A DIVISION OF APPRENTICE TRAINING UNDER A DIRECTOR OF APPRENTICESHIP AND AN APPRENTICESHIP COUNCIL, AND DEFINING THE POWERS AND DUTIES OF SUCH DIRECTOR AND COUNCIL.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 23, § 4, etc., amended.

Directors in the department of labor and industries.

SECTION 1. Section four of chapter twenty-three of the General Laws, as most recently amended by section sixteen of chapter five hundred and ninety-six of the acts of nineteen hundred and forty-one, is hereby further amended by striking out the two sentences inserted thereby and inserting in place thereof the two following sentences:— The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint not more than six directors and may, with like approval, remove them. One of them, to be known as the director of standards and necessities of life, shall have charge of the division of standards and the division on the necessities of life, and each of the others shall be assigned to take charge of a division, other than the division of unemployment compensation or its successor.

G. L. (Ter. Ed.), 23, new §§ 11E-11L, inserted.

SECTION 2. Said chapter twenty-three is hereby further amended by inserting after section eleven D, inserted by chapter four hundred and twenty-seven of the acts of nineteen hundred and thirty-seven, the following eight new sections, under the following caption:—

DIVISION OF APPRENTICE TRAINING.

Section 11E. There shall be in the department an apprenticeship council, to consist of eight members, of whom six shall be appointed by the commissioner, with the approval of the governor and council, one shall be the assistant director of the division of unemployment compensation, or its successor, in charge of the bureau of employment, ex officio, and one shall be the director of the division of vocational education in the department of education, ex officio. Of the appointive members three shall always be persons who, on account of previous vocation, employment, occupation or affiliation, can be classed as employers, and three shall always be persons who, on account of previous vocation, employment, occupation or affiliation, can be classed as employees. The terms of office of the representatives of employers and employees initially appointed hereunder shall expire as designated by the commissioner at the time of making the appointments, one representative each of employers and employees being appointed for a term of one year, one representative each of employers and employees being appointed for a term of two years, and one representative each of employers and employees for a term of three years. Thereafter, each member representing employers and employees shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council not otherwise compensated by the commonwealth shall be reimbursed for transportation and other necessary expenses, and shall be paid not more than ten dollars per day for each day spent in attendance at meetings of the apprenticeship council. Said council shall not meet more than fifteen days in any year.

Apprenticeship council, appointment of members, etc.

Said council shall meet at the call of the commissioner and shall aid him in formulating policies for the effective administration of sections eleven E to eleven L, inclusive. Said council shall suggest to the commissioner standards for apprentice agreements, which in no case shall be lower than those prescribed by said sections, and such rules and regulations as, in its opinion, are necessary to carry out the intent and purposes of said sections, and shall perform such other functions as the commissioner may direct.

Section 11F. The commissioner, subject to approval by the governor and council, shall appoint a director of apprenticeship. The commissioner may also appoint and employ such clerical, technical and professional assistance as shall be necessary to effectuate the purposes of said sections eleven E to eleven L, inclusive, and may utilize any federal funds available to aid in the administration of said sections.

Director of apprenticeship.

Section 11G. The director, under the supervision of the commissioner and with the advice and guidance of the apprenticeship council, shall administer sections eleven E to

Conditions, etc., for apprentice agreements.

eleven L, inclusive; may, with the approval of the apprenticeship council, set up local and state joint apprenticeship committees; may set up and establish conditions and training standards for apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by said sections; may act as secretary of the apprenticeship council and of each state joint apprenticeship committee; may approve, if in his opinion approval is for the best interest of the apprentice, any apprentice agreement which meets the standards established under said sections; may terminate or cancel any apprentice agreement in accordance with any provision of any such agreement; may keep a record of apprentice agreements and their disposition; may issue certificates of completion of apprenticeship; may cooperate with the state department of education and the local school authorities in regard to the education of apprentices in accordance with the standards established by the director for the same trade or group of trades; may act in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, and working conditions for apprentices and may suggest the number of apprentices to be employed locally in the trade under apprentice agreements under said sections; and may perform such other duties as are necessary to carry out the intent of said sections.

Term
"apprentice"
defined.

Section 11H. The term "apprentice", as used in sections eleven E to eleven L, inclusive, shall mean a person at least sixteen years of age who has entered into a written agreement, in said sections called an apprentice agreement, with an employer, or an association of employers, or an organization of employees, which apprentice agreement provides for not less than four thousand hours of reasonably continuous employment for such person and for his participation in an approved schedule of work experience through employment and for approximately one hundred and fifty hours per year of related supplemental instruction.

Basic stand-
ards for
apprentice
agreements.

Section 11I. Every apprentice agreement entered into under sections eleven E to eleven L, inclusive, shall substantially conform to the following basic standards:—

(1) A provision that not less than four thousand hours of employment as an apprentice in the occupation therein referred to shall be required in order to learn such occupation shall be included therein;

(2) A schedule of the work processes to be learned in the occupation shall be set forth therein;

(3) A progressively increasing scale of wages for the apprentice, during the period of his apprenticeship, averaging approximately one half of the rate of pay of a journeyman over a similar period, shall be set forth therein;

(4) A provision for approximately one hundred and fifty hours per year of related classroom instruction for the apprentice during said period of apprenticeship shall be included therein;

(5) A concise and accurate statement of the terms and conditions of the employment and training of the apprentice shall be set forth therein, and also a statement that such apprenticeship agreement shall, as soon as may be after its execution, be filed with the apprenticeship council; and

(6) A statement that such agreement may be terminated, within six months of its execution, by either the employer or the apprentice involved, for any reason, shall be included therein.

Section 11J. No apprentice agreement entered into under sections eleven E to eleven L, inclusive, shall be effective until approved by the director. Every such apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees, and by the apprentice, and, if the apprentice is a minor, by the minor's father; provided, that, if the father be dead or legally incapable of giving consent or has abandoned his family, then such agreement shall be signed by the minor's mother; and provided, further, that, if both father and mother be dead or legally incapable of giving consent, then such agreement shall be signed by the guardian of the minor. When a minor enters into an apprentice agreement under said sections for a period of training extending beyond the date upon which he shall attain his majority, the apprentice agreement, if so approved, shall be binding for the entire period therein referred to, including so much thereof as may extend beyond the date upon which he attained his majority.

Approval of
apprentice
agreements by
director, etc.

Section 11K. The director upon the complaint of any interested person or upon his own initiative, may investigate, and may determine, whether there has been a violation of the terms of any apprentice agreement entered into and approved under said sections, and he may hold hearings, inquiries and other proceedings necessary to such investigations and determination. The parties to such agreement shall be given a fair and impartial hearing, after reasonable notice thereof. All such hearings, investigations and determinations shall be made under authority of reasonable rules and procedure prescribed by the apprenticeship council, subject to the approval of the commissioner. The determination of the director shall be filed with the commissioner, and notice of such determination shall at the same time be mailed, postpaid, to each person known by the director to be an interested person, at his last address as shown by the records of the director. If no appeal therefrom is filed with the commissioner within ten days after the date of such filing and notice, as herein provided, such determination shall thereupon become the decision of the commissioner. Any person aggrieved by any determination or action of the director may, within the time hereinbefore limited, appeal therefrom to the commissioner, who shall hold a hearing thereon after due notice to all interested parties. The decision of the commissioner as to the facts shall be conclusive if supported by the evidence, and all orders and

Violation of
apprentice
agreements.
Hearings, etc.

decisions of the commissioner shall be prima facie lawful and reasonable. Any party to an apprentice agreement aggrieved by an order or decision of the commissioner may appeal to the superior court on questions of law; provided, that such order or decision shall be conclusive if such appeal therefrom shall not be filed within thirty days after the date of such order or decision.

§ No person shall institute any action for the enforcement of any apprentice agreement entered into and approved under said sections unless he shall first have exhausted all administrative remedies provided by this section.

Construction
of act.

Section 11L. Nothing in sections eleven E to eleven L, inclusive, or in any apprentice agreement entered into and approved under said sections shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees, setting up higher apprenticeship standards.

Partial
invalidity.

SECTION 3. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to any other person and circumstances, shall not be affected thereby.

Approved October 28, 1941.

Chap. 708 AN ACT TO MEET CERTAIN CONTINGENCIES ARISING IN CONNECTION WITH THE SERVICE OF PUBLIC OFFICERS AND EMPLOYEES AND CERTAIN OTHER PERSONS IN THE MILITARY OR NAVAL FORCES OF THE UNITED STATES DURING THE PRESENT NATIONAL EMERGENCY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to protect the rights of certain persons in the military or naval service of the United States and to facilitate the temporary appointment of persons to perform their duties in their absence, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Any person who, on or after January first, nineteen hundred and forty, shall have tendered his resignation from an office or position in the service of the commonwealth, or any political subdivision thereof, or otherwise terminated such service, for the purpose of serving in the military or naval forces of the United States and who does or did so serve or was or shall be rejected for such service, shall, except as hereinafter provided, be deemed to be or to have been on leave of absence; and no such person shall be deemed to have resigned from his office in the service of the commonwealth, or any political subdivision thereof, or to have terminated such service, until the expiration of one year from the termination of said military or naval service by him.

SECTION 2. Any person referred to in section one who was or shall be separated from the service of the commonwealth, or any political subdivision thereof, while holding an office or position classified under chapter thirty-one of the General Laws shall, if he so requests in writing to the appointing authority within one year after the termination of his said military or naval service, and if, within said time, he also files with the division of civil service the certificate of a registered physician that he is not physically disabled or incapacitated for performing the duties of the office or position previously held by him, be reinstated therein without civil service examination and without loss of seniority or other rights; provided, that if the office or position formerly held by him has been filled prior to the effective date of this act by a permanent appointment, he shall be employed in a similar position in the same or in some other department. All appointments, transfers and promotions made on account of such leaves of absence shall be temporary only and the person so appointed, transferred or promoted shall be known as a military substitute; provided, that, notwithstanding any provision of said chapter thirty-one to the contrary, he may continue to serve in such office or position until the incumbent is reinstated therein or until the time within which he has a right to be reinstated has expired, and if the incumbent has not been reinstated as provided herein said military substitute shall continue in the position as though regularly appointed and his seniority rights shall date from his appointment as such military substitute. In the event that a permanent vacancy not caused by or related to the absence of the incumbent in said military or naval service occurs in a position of the same or similar rank or grade as that then occupied by a military substitute, said military substitute may be appointed to such permanent vacancy.

SECTION 3. Any person who is permanently appointed to an office or position classified under said chapter thirty-one after certification from an eligible list, but, before commencing to serve therein, enters said military or naval service, shall be permanently employed in such office or position upon the termination of his said military or naval service, subject to a probationary period of six months; provided, that he so requests in writing, within three months after such termination of service, and files with the division of civil service the certificate of a registered physician that he is not physically disabled or incapacitated for performing the duties of the office or position. Any appointment, transfer or promotion to fill such office or position while he is so serving shall be temporary only and shall be filled by a military substitute who shall hold such office or position subject to the same limitations and with the same rights as a military substitute appointed under section two.

SECTION 4. Any person whose name is on any eligible list or register of the division of civil service at the time of

his commencing said military or naval service shall, upon his request in writing filed with the director of civil service within one year after the termination of said service, be continued on or restored to such list or register for a period following such request equal to the remainder of the term of his eligibility thereon at the time he commenced said military or naval service; and any person who otherwise becomes entitled to have his name placed on an eligible list or register on account of an examination or registration prior to commencing such service shall, upon a like request in writing filed within a similar period, be entitled to have his name placed upon the proper eligible list or register as of the date of such request, and it shall thereafter remain thereon for the full regular period of eligibility provided for by the civil service law and rules; provided, that he files with the director of civil service the certificate of a registered physician that he is not physically disabled or incapacitated for performing the duties of the office or position.

SECTION 5. In case said military or naval service of an individual holding an office or position in the classified civil service or appointed to such office or position, or whose name is on an eligible list or register, prejudices the rights of such individual under the provisions of chapter thirty-one of the General Laws, and such rights are not specifically protected by this act, the director of civil service may, with the approval of the governor and council, and acting separately in the case of each individual, take such action as will in his judgment protect such rights.

SECTION 6. Any person referred to in section one who was or shall be separated from the service of the commonwealth or any political subdivision thereof while holding an office or position not subject to chapter thirty-one of the General Laws, shall, if he so requests in writing to the appointing authority within one year after the termination of his said military or naval service, be reinstated or re-employed in said office or position; provided, that, in case he was appointed for a fixed term, the term has not expired; and provided, further, that, if so required by the appointing authority, he files the certificate of a registered physician that he is not disabled or incapacitated for performing the duties of the office or position.

SECTION 7. In case any officer of a department, division, board or commission of the commonwealth whose appointment is not subject to chapter thirty-one of the General Laws and whose duties are not otherwise authorized by law to be performed by another person, is unable to perform the duties of his office by reason of said military or naval service, the head of such department, division, board or commission may, by an instrument in writing, designate another person in the employ of such department, division, board or commission to perform the duties of such officer during such service, but the person so designated shall have no authority to make permanent appointments or removals. Every such designa-

tion shall be subject to approval by the governor, and shall remain in force and effect until terminated by the return of the regular officer or employee or until revoked by the head of such department, division, board or commission, or by the governor. Any person who, while holding a position subject to said chapter thirty-one, is designated to perform the duties of another as provided in this section shall have and retain all his rights under said chapter thirty-one, including seniority, and when such designation ceases to be in force and effect he shall be reinstated without examination in the position previously held by him. Any appointment, promotion or transfer of any person to perform the duties of a person so designated shall be temporary and shall not extend beyond the date when such designation ceases to be in force and effect.

SECTION 8. No person referred to in section one who has been or shall be separated from his office or position while a member of a contributory retirement system shall, by reason of such separation, be considered to have terminated his membership in such system until the expiration of one year after the termination of his said military or naval service, nor shall such a person while so separated from his office or position be entitled to withdraw from such system his accumulated deductions until after the expiration of one year after the termination of his said military or naval service.

SECTION 9. Any person referred to in section one shall, when reinstated or re-employed in his former position or in a similar position as provided by this act, have credited to him as creditable service under any contributory retirement system or under any other pension or retirement law under which he has actual or inchoate rights, the period of his said military or naval service. If such person remained a member of any contributory retirement system and has not withdrawn therefrom his accumulated deductions, or, if such person has withdrawn such deductions and shall redeposit the same or make arrangements for so doing by installments, as provided by law, the commonwealth or political subdivision thereof, as the case may be, shall, at the time of such reinstatement or re-employment, or as soon thereafter as an appropriation therefor is made, pay into the annuity savings fund of such retirement system the amount which said person would have paid into said fund had his employment in the service of the commonwealth or political subdivision thereof not been interrupted by his said military or naval service; provided, that any sum so paid by the commonwealth or any political subdivision thereof shall be used only to provide an increased retirement allowance of the person on whose account such payment is made, and in case of his later separation from the service otherwise than by retirement the said sum, together with interest thereon, shall be used to reduce the next ensuing appropriation for the payment of pensions.

SECTION 10. In case the mayor of a city is unable to perform the duties of his office by reason of said military or naval service, the person upon whom his duties devolve in his absence shall, notwithstanding any limiting provision of a general or special law, possess all the rights and powers, perform all of the duties and be subject to all of the obligations of mayor of such city, except that he shall have no power to make permanent appointments or removals. The person temporarily performing the duties of mayor under such circumstances shall receive a salary equal to one half the salary of the mayor, which sum shall be deducted from and charged against the salary of the mayor.

SECTION 11. In case a selectman or any other elected town officer is unable to perform the duties of his office by reason of said military or naval service, a majority of the members of a board established as hereinafter provided may in writing appoint an acting officer who in his absence shall possess all the rights and powers, perform all the duties and be subject to all the obligations of said office until the expiration of the term of the absent officer or until his return, whichever first occurs. Said board shall consist of the selectmen, the town clerk, the town treasurer, and the moderator elected for a term, if there is one so elected; provided, that any such officer shall not be a member of such board when his office is being filled. No member of any such board shall have more than one vote.

A person appointed under the provisions of this section shall not receive compensation from the town for service as such acting officer but his compensation therefor, if any, shall be paid by the absent officer. The town treasurer when so authorized by the absent officer may make payment to such acting officer and in such case shall charge such payments to the account of the salary provided for the absent officer.

SECTION 12. The term "elected town officer", as used in section eleven shall mean an officer elected by and from all the voters of a town and shall include a member of a body, board or commission, including the school committee.

SECTION 13. In computing the period of five years of continuous service required under section forty-nine A of chapter thirty-one of the General Laws of an incumbent of a municipal office who has entered said military or naval service and returns to said office within one year after the termination of said service, the period between his entry into said service and his return to said office shall be counted.

SECTION 14. In case any medical examiner or associate medical examiner is unable to perform his duties by reason of said military or naval service, said duties may be performed by any other medical examiner or associate medical examiner designated for that purpose by the district attorney within whose district the temporary vacancy occurs, and any medical examiner or associate medical examiner so designated shall, within the limits of the county within

which he is so designated to act, have all the rights, powers and obligations of medical examiner.

SECTION 15. Upon the application of any resident of the commonwealth who entered said military or naval service and has received an honorable discharge or release therefrom, the attorney general and the adjutant general are hereby severally authorized and directed to take such legal and proper measures as may result in the reinstatement of such resident by his former employer in the position which such resident held immediately prior to entering such service. On such application, he or they shall also inform such resident of his rights under the federal Selective Training and Service Act of 1940, under the federal Soldiers' and Sailors' Civil Relief Act of 1940 and under Public Resolution No. 96-76th Congress, approved August twenty-seventh, nineteen hundred and forty, and shall co-operate with the proper official or officials of the United States department of justice in obtaining for such resident his rights under either or both of such acts. Upon the making of any such application the former employer of such resident shall be notified thereof by the attorney general or the adjutant general, as the case may be, and be furnished with a copy of this section.

SECTION 16. Affidavits and commissions to take depositions of any person on active duty in the military or naval service of the United States or of the commonwealth during the present national emergency may be executed before and by any commissioned officer in any of said services, who holds the rank of captain or higher in the military service, or lieutenant or higher in the naval service, or similar rank; and affidavits and depositions of such persons so taken, if otherwise taken in accordance with law, shall be received and may be used in evidence, or for any other purpose, in the same manner as if taken before a commissioner of the commonwealth appointed to take depositions in other states.

SECTION 17. The deed of any person for the conveyance of real estate within the commonwealth or for any other purpose, powers of attorneys and other instruments, may, if such person is on active duty in the military or naval service of the United States or of the commonwealth during said emergency, be acknowledged before any commissioned officer in any of said services, who holds the rank of captain or higher in the military service, or lieutenant or higher in the naval service, or similar rank; and deeds, powers of attorney and other instruments so acknowledged may be used and recorded in the commonwealth in the same manner as if taken in and before one commissioned to take oaths and acknowledgments within the commonwealth.

SECTION 18. For the purposes aforesaid, the officers above named shall have the same power and authority as commissioners, notaries public and justices of the peace to administer oaths and take depositions, affidavits, and acknowledgments of persons in the military or naval service of

the United States or of the commonwealth in accordance with the provisions of sections sixteen and seventeen of this act. Each such officer shall specify in writing the date, and the post, station or ship, when and where any such oath or acknowledgment is administered, and shall add after his signature his rank and organization or ship.

SECTION 19. The time of the absence from the commonwealth of any person engaged in the military or naval service of the United States during said emergency shall not be taken as part of the period limited for the prosecution of actions by or against such persons; provided, that nothing herein contained shall have the effect of extending said period more than six months after the discharge of such person from such service.

SECTION 20. When judgment shall have been rendered upon the default of any defendant in the military or naval service of the United States or of the commonwealth during said emergency, such defendant may, within six months after his discharge from such service, as of right and without any petition therefor, take a writ of review out of the court in which the judgment was rendered, in manner and form as provided by law.

SECTION 21. Whenever in any suit it shall be made to appear to the court that any defendant is in the military or naval service of the United States or of the commonwealth during said emergency, the court may, in its discretion, order the suit to be continued as to such defendant without costs to either party; and if in such suit any person be summoned as trustee of such defendant, or a person summoned in any suit as trustee be in such service, the court may also, in its discretion, suspend the proceedings against such alleged trustee without costs to either party; provided, that no such continuance shall be allowed beyond the period of six months after the discharge of such principal defendant or alleged trustee from such service.

SECTION 22. None of the provisions of sections nineteen, twenty and twenty-one of this act shall be deemed to apply to any case in which an executor or administrator is a party defendant nor shall the provisions of section twenty apply to a proceeding brought under the provisions of chapter twenty-five of the acts of the current year.

SECTION 23. Any license, permit or certificate of registration issued by any department, division, board, commission or officer of the commonwealth that expires while the holder thereof is serving in the military or naval service of the United States may be renewed within four months after the termination by such holder of such service, to the same extent as though the application for such renewal were made upon the expiration of such license, permit or certificate of registration; provided, that nothing in this section shall be construed to authorize such holder of a license, permit or certificate of registration to exercise any rights thereunder after its expiration and prior to its renewal as aforesaid.

SECTION 24. Any person who returns or is restored to service in an office or position in the service of the commonwealth or any political subdivision thereof within one year after having served in the military or naval forces of the United States shall be entitled to all seniority rights to which he would have been entitled if his service had not been interrupted by such military or naval service, and any such person whose salary is fixed under a classified compensation plan shall be eligible to a salary rate which includes accrued step-rate increments to which he would have been eligible except for absence on such military or naval service.

SECTION 25. Service in the military or naval forces of the United States referred to in this act shall, except as otherwise provided thereby, mean such service occurring on or after July first, nineteen hundred and forty and prior to January first, nineteen hundred and forty-four.

Approved October 29, 1941.

AN ACT RELATIVE TO CERTAIN DEPUTIES AND ASSISTANTS *Chap. 709*
IN THE DIVISION OF EMPLOYMENT SECURITY IN THE DE-
PARTMENT OF LABOR AND INDUSTRIES.

Whereas, The deferred operation of this act would tend to prevent the receipt by the commonwealth of federal funds for the administration of the unemployment compensation law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The director of the division of employment security in the department of labor and industries shall transmit to the director of civil service a list of the deputies or assistants who were appointed under section nine I of chapter twenty-three of the General Laws and who upon the effective date of this act are incumbents of said offices.

SECTION 2. The director of civil service on receipt of said list shall forthwith proceed to give a qualifying examination to each deputy or assistant on said list to determine his qualifications to perform the duties of said position of deputy or assistant, as the case may be.

SECTION 3. If any such deputy or assistant fails to pass such qualifying examination said director shall transmit to the director of the division of employment security notice of the results of said examination, whereupon the services of said assistant or deputy shall be terminated.

The director of civil service shall certify to the position of assistant directors such deputies and assistants as pass such qualifying examination, and they shall be deemed to be permanently appointed thereto without serving any probationary period, and their tenure of office or employment shall be unlimited, subject, however, to the civil service laws.

G. L. (Ter.
Ed.), 23,
§ 9I, etc.,
amended.

SECTION 4. Section nine I of chapter twenty-three of the General Laws, as appearing in section one of chapter twenty of the acts of nineteen hundred and thirty-nine, and as subsequently amended, is hereby further amended by striking out paragraph (a), as amended, and inserting in place thereof the following paragraph: —

Division of
employment
security.

(a) There shall be in the department, but not subject to its direction, a division of employment security, in this and in sections nine J to nine N, inclusive, called the division, which shall be under the supervision and control of a director, in said sections called the director, who shall be appointed by the governor, with the advice and consent of the council, for a term of five years and shall administer the provisions of chapter one hundred and fifty-one A. The director shall devote his whole time in office hours to the duties of his office and he shall not serve on any political committee of any political party. Said office and the incumbent thereof shall not be subject to chapter thirty-one and the rules and regulations made thereunder.

G. L. (Ter.
Ed.), 23,
§ 9K, etc.,
amended.

Deputy or
assistant
directors.

SECTION 5. Section nine K of chapter twenty-three of the General Laws, as amended by section one of chapter twenty of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the first sentence and inserting in place thereof the following new sentence: — Subject to appropriation, the director may appoint and employ all deputy or assistant directors, one of whom shall be designated to be the labor relations representative, officers, accountants, clerks, secretaries, agents, investigators, auditors and other officers and employees, necessary for the proper administration of chapter one hundred and fifty-one A.

G. L. (Ter.
Ed.), 23,
§ 9L, etc.,
amended.

Bureau of
public employ-
ment offices.

SECTION 6. Section nine L of said chapter twenty-three, as so amended, is hereby further amended by striking out in the fourth line the words "nine I" and inserting in place thereof the words: — nine K, — so as to read as follows: — *Section 9L.* There shall be in the division, subject to the supervision and control of the director, a bureau of public employment offices in charge of one of the deputies or assistants appointed under section nine K and designated by the director. It shall have control of the establishment, maintenance and operation of free public employment offices by the commonwealth. The division shall be the state agency for co-operation with the United States Employment Service under chapter forty-nine of the acts of the seventy-third congress, session I, known as the Wagner-Peyser Act, and shall have all the powers of such an agency as specified in said act.

Approved October 29, 1941.

AN ACT RELATIVE TO THE REGISTRATION AND OPERATION OF CERTAIN BICYCLES. *Chap. 710*

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty-five of the General Laws is hereby amended by inserting after section eleven, as appearing in the Tercentenary Edition, the following new section: — *Section 11A.* No resident of any city which accepts this section by vote of its city council, or of any town which accepts this section by vote of the town, shall operate a bicycle within the limits thereof, unless such bicycle is registered under this section in such city or town and unless the registration plate issued therefor is attached to such bicycle. The police department of such a city or town, or the selectmen of such a town having no organized police department, shall register all bicycles owned by persons residing within the city or town and issue to the owners thereof certificates of registration, which shall be in effect, unless suspended as hereinafter provided, so long as such registrants own said bicycles. The application for registration shall contain the name, address and age of the owner, the make of the bicycle, and serial number, if any, affixed by the maker, or any other identifying marks. The certificate of registration shall contain the name and address of the owner, a description of the bicycle and a register number. Every bicycle so registered shall have attached thereto a registration plate furnished by the police department or the selectmen, as the case may be, of the city or town where registered. Such plate shall bear the register number assigned to the bicycle and the name of the city or town where registered. Upon the sale or other transfer of a registered bicycle, the registrant shall remove the registration plate and surrender the same to the police department or the selectmen, as the case may be, or may, upon application but without payment of an additional fee, have said plate assigned to another bicycle owned by the applicant. A bicycle rental agency in any city or town which accepts this section shall not rent or offer any bicycle for rent unless the bicycle is registered and a registration plate is attached thereto as provided herein. Every person engaged in the business of buying or selling new or second hand bicycles in such a city or town shall make a report to the said police department or selectmen, as the case may be, of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, and the number of the registration plate, if any, attached thereto. Blank forms of applications and certificates for use in carrying out the provisions of this section shall be prepared and furnished by the commissioner of public safety to all such cities and towns at their expense. Every bicycle shall be equipped with a red reflector visible from the rear and at

G. L. (Ter. Ed.), 85, new § 11A, inserted.

Registration of bicycles.

Bicycle rental agencies regulated.

least two inches in diameter. A fee of not more than twenty-five cents shall be collected for each registration plate and certificate issued under this section.

In such cities and towns, operators of bicycles shall conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety. No operator of a bicycle shall permit any person in excess of the number for which such bicycle is designed and equipped, to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle. Violation of any provision of this section shall be punished by a fine of one dollar and in addition the police department of such a city or town, or the selectmen of such a town having no organized police department, may suspend the registration certificate of any registered bicycle operated in violation of any such provision. In case the person operating a bicycle in violation of any such provision is a minor, the police department, or the selectmen, as the case may be, instead of prosecuting such minor hereunder, may, with the consent of his parent or guardian, impound such bicycle for a period not exceeding fifteen days. This section shall apply only to a bicycle at least one wheel of which exceeds twenty inches in diameter. No violation of any of the provisions of this section relative to the registration of bicycles shall affect any civil right or liability, nor shall any such violation by a minor under the age of eighteen be considered a criminal offense.

SECTION 2. Sections twelve, thirteen and fourteen of said chapter eighty-five, as so appearing, are hereby repealed.

Approved October 29, 1941.

G. L. (Ter.
Ed.), 85,
§§ 12-14,
repealed.

Chap. 711 AN ACT RELATIVE TO THE BOSTON TERMINAL COMPANY, THE ASSESSMENT OF ITS REAL ESTATE, AND THE PAYMENT OF TAXES THEREON.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter five hundred and sixteen of the acts of eighteen hundred and ninety-six, as amended by chapter three hundred and sixty-three of the acts of nineteen hundred and twenty-one, shall, subject to the changes hereinafter specified, apply to any railroad company which by reason of reorganization under the bankruptcy laws of the United States shall have acquired the property, assets, or franchises of any or all of the railroad companies named in the said chapter five hundred and sixteen.

SECTION 2. Upon and after the effective date of the conveyance, pursuant to a plan of reorganization under said bankruptcy laws of the United States, to the reorganized New York, New Haven and Hartford Railroad Company of the property, assets, and franchises of the Boston and Providence Railroad Corporation and the Old Colony Railroad

Company, there shall be exempt from local taxation so much of the real estate described in said chapter five hundred and sixteen and used for railroad purposes as lies within the following areas, as shown on "Plan of Boston Terminal Co. property showing 4-5 rod strips of land between Fort Point Channel and southerly end of shelters, Boston, July 8, 1941. Henry C. Mildram, Real Est. Engr.", on file in the office of the state secretary: —

(a) In the part of the land used for operation, management, and maintenance of lines of the Old Colony Railroad Company immediately before the effective date of said conveyance, a strip five rods wide beginning at Fort Point channel and Dorchester avenue and extending northerly eight hundred and eight feet more or less on the easterly side and one thousand and sixty-three feet more or less on the westerly side to a line eight hundred and ninety feet south of the concourse of the present station and running parallel thereto through the southerly end of the platform shelter extending farthest from the concourse, comprising a total area of seventy-four thousand square feet more or less, but not including any building, appurtenance or other improvement on said land, except tracks, platforms, canopies, signal apparatus and appurtenances.

(b) In the part of the land used for operation, management, and maintenance of lines of the New York, New Haven and Hartford Railroad Company immediately before the effective date of said conveyance, a strip five rods wide beginning at Fort Point channel and extending northerly one thousand and sixty-three feet more or less on the easterly side and one thousand one hundred and seventy feet more or less on the westerly side to the said line running through the southerly end of the platform shelter extending farthest from the concourse, comprising a total area of ninety-two thousand one hundred square feet more or less, but not including any building, appurtenance or other improvement on said land, except tracks, platforms, canopies, signal apparatus and appurtenances.

(c) In the part of the land used for operation, management, and maintenance of lines of the Boston and Providence Railroad Corporation immediately before the effective date of said conveyance, a strip five rods wide beginning at Fort Point channel and extending northerly one thousand two hundred and sixty feet more or less on the easterly side and one thousand three hundred and sixty-five feet more or less on the westerly side to the said line running through the southerly end of the platform shelter extending farthest from the concourse, comprising a total area of one hundred and eight thousand three hundred square feet more or less, but not including any building, appurtenance or other improvement on said land, except tracks, platforms, canopies, signal apparatus and appurtenances.

(d) In the part of the land used for operation, management, and maintenance of lines of the Boston and Albany

Railroad Company a strip five rods wide beginning at Fort Point channel and extending northerly one thousand three hundred and sixty-five feet more or less on the easterly side and one thousand four hundred and seventy-five feet more or less on the westerly side to the said line running through the southerly end of the platform shelter extending farthest from the concourse, comprising a total area of one hundred and seventeen thousand one hundred and fifty square feet more or less, but not including any building, appurtenance or other improvement on said land, except tracks, platforms, canopies, signal apparatus and appurtenances.

Provided, however, that none of the said land used by the reorganized New York, New Haven and Hartford Railroad Company as described in this section shall be exempt pursuant to this section if railroad service into or out of the city of Boston upon any of the lines owned or formerly owned by the Old Colony Railroad Company, the New York, New Haven and Hartford Railroad Company, or the Boston and Providence Railroad Corporation is discontinued or substantially diminished after the effective date of this act other than with the permission of the department of public utilities; and that none of the land used by the Boston and Albany Railroad Company as described in this section shall be exempt pursuant to this section if railroad service into or out of the city of Boston upon any of the lines of the said Boston and Albany Railroad Company is discontinued or substantially diminished after the effective date of this act other than with the permission of the department of public utilities.

SECTION 3. Upon and after the effective date of the conveyance, pursuant to a plan of reorganization under said bankruptcy laws of the United States, to the reorganized New York, New Haven and Hartford Railroad Company of the property, assets and franchises of the Boston and Providence Railroad Corporation and the Old Colony Railroad Company, the Boston and Albany Railroad Company and the reorganized New York, New Haven and Hartford Railroad Company shall, in the assessment of real estate taxes under section twenty-five of said chapter five hundred and sixteen, each be deemed to be the owner of said real estate in the proportion in which each of said two railroad companies then has the use thereof under the said act as affected by this act; but nothing herein shall affect the existence or enforcement of any lien elsewhere provided for by law on account of such taxes.

Approved October 29, 1941.

AN ACT CREATING AN UNPAID SPECIAL COMMISSION TO
REGULATE THE USE OF THE WATERS OF LAKE BOONE, TO
BE KNOWN AS THE LAKE BOONE COMMISSION, AND DE-
FINING ITS POWERS AND DUTIES. Chap. 712

Be it enacted, etc., as follows:

SECTION 1. There is hereby created a commission, which shall be known as the Lake Boone Commission, consisting of three persons, two of whom shall be appointed by the selectmen of the town of Stow, and one by the selectmen of the town of Hudson. Said commission shall elect from its membership a chairman and a clerk and shall meet quarterly or oftener at the call of the chairman. In the making of initial appointment hereunder, one of the appointees of the selectmen of the town of Stow shall be appointed for the term of one year, the other appointee of the selectmen of the town of Stow shall be appointed for the term of two years, and the appointee of the selectmen of the town of Hudson shall be appointed for the term of three years. Upon the expiration of the term of any member, his successor shall be appointed, in like manner as in the case of the original appointment, for the term of three years. Vacancies in said commission caused otherwise than by expiration of term of service shall be filled for the balance of the unexpired term in like manner as in the case of original appointments. The commissioners shall serve without compensation.

SECTION 2. The said commissioners may, after notice and a public hearing held at a suitable time and place, establish reasonable rules and regulations for the protection and policing of the waters of Lake Boone within the towns of Stow and Hudson, and for permitting and regulating the use of motor boats, other boats and canoes therein, and for regulating the conduct of persons upon, or bathing in, the waters of said lake; and said commissioners may, after notice and a public hearing as aforesaid, from time to time alter, add to or repeal the rules and regulations made hereunder. Nothing in this section shall be construed to authorize said commissioners to make any rule or regulation affecting the flow of water of said lake.

SECTION 3. Said commission may make rules and regulations relative to the conduct of the business of renting boats and canoes of any description to be used upon the waters of said lake, and relative to the maintenance and use of bathing houses adjacent thereto.

SECTION 4. No person shall engage in the business of renting boats or canoes to be used upon the waters of said lake until he shall obtain from the selectmen of the town in which the business is to be conducted, a permit so to do, which permit shall be for such time, in such form and subject to such restrictions as may from time to time be determined by said commission.

SECTION 5. Said commission shall cause the rules and regulations made by it to be published three times in one or more newspapers published in the town of Hudson, which publication shall be sufficient notice to all persons. The sworn certificate of any member of such commission or of its clerk that said rules and regulations have been made and published shall be prima facie evidence thereof. A copy of the rules and regulations attested by any member of the commission, or by its clerk, shall be prima facie evidence that the said rules and regulations were made by the commission as provided in this act.

SECTION 6. No person shall operate a motor boat or boat propelled by other than muscular power upon the waters of said lake unless the owner or person in possession of the boat shall have obtained from the selectmen of the town of Stow, if he resides therein, otherwise from the selectmen of the town of Hudson, a permit to allow said boat to be operated. Such permit shall be in force for one year, and shall be in such form and subject to such conditions and restrictions as may from time to time be prescribed by said commission. The permit shall be at all times in an easily accessible place in the boat when the same is being operated.

SECTION 7. Any officer qualified to serve criminal process in the town of Stow or in the town of Hudson may patrol any part of the waters of said lake, and shall have authority to arrest any person for violating any law of the commonwealth in, on or adjacent to the waters of said lake, or any rule or regulation established under the authority of this act, and may serve warrants and make arrests therefor on the waters of said lake or in any part of the town of Hudson or the town of Stow.

SECTION 8. Nothing herein contained shall prevent the enforcement of any by-law of the town of Stow or of the town of Hudson upon any part of said waters lying within the limits of the said respective towns.

SECTION 9. Any person who violates any rule or regulation or order of said commission or any provision of this act shall be punished by a fine of not more than fifty dollars.

SECTION 10. All expense incurred by said commission for printing and advertising shall be borne equally by the towns of Stow and Hudson.

SECTION 11. This act shall take effect upon its passage.

Approved October 30, 1941.

Chap. 713 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO REGULATE RATES FOR THE TRANSPORTATION OF PERSONS OR PROPERTY WITHIN THE COMMONWEALTH BY COMMON CARRIERS BY AIRCRAFT.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 159, new § 14A, inserted.

Chapter one hundred and fifty-nine of the General Laws is hereby amended by inserting after section fourteen, as

appearing in the Tercentenary Edition, the following new section:— *Section 14A.* Every common carrier by aircraft maintaining an established service over regular scheduled routes for general public service shall publish and file with the department and keep open for public inspection tariffs containing all its rates and charges for transportation of persons or property, and all services in connection therewith, between points within the commonwealth. Such rates and charges shall be stated in lawful money of the United States. The department may reject any such tariff filed with it which is not consistent with this section and with its orders, rules and regulations made thereunder.

Rates of common carriers by aircraft regulated.

Records and inspection of.

Every such carrier shall establish, observe and enforce just and reasonable rates, charges and classifications, and reasonable regulations and practices relating thereto, which shall become effective on a date fixed by such carrier, which date shall be at least thirty days after the filing of the tariff containing the same, unless suspended by the department prior to its effective date upon complaint of any person or body politic, or by the department on its own motion; provided, that such a rate may be established to become effective within said thirty days in order to meet the then existing rate of any competing common carrier, in which case it may become effective upon the effective date of the rate of such competing carrier or at any time thereafter if established thereafter, upon the filing of a tariff or supplement thereto, consistent with such reasonable orders, rules and regulations as the department may deem necessary pertaining to the form of tariff schedules, the time and manner of filing thereof, the suspension of rates before the same become effective and hearings upon the validity of any filed or existing rate or rates; and provided, further, that the department, for cause shown, may allow publication of rates, or of changes therein, upon notice less than hereinbefore specified, or may modify the requirements of this section with respect to posting and filing of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

No such carrier shall charge, demand, collect or receive compensation for transportation, or for any service in connection therewith, between the points enumerated in such tariff, differing from, or other than, the rates and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates or charges so specified, or extend to any person any privilege or facilities for transportation except such as are specified in its tariffs.

The department, upon complaint of any person, or upon its own motion, after due notice and a hearing, may allow or disallow any filed or existing rates and may alter or prescribe the rates in connection with the transportation of persons, or of any or all classes of property, by common

carrier by aircraft between points within the commonwealth, and any service connected therewith. Whenever, upon complaint or in an investigation on its own initiative, the department, after due notice and a hearing, shall be of the opinion that any rate or charge demanded, charged or collected by any common carrier by aircraft, or any classification, rule, regulation or practice whatsoever of such carrier affecting such rate, charge or the value of the service thereunder, is or will be unjust or unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate or charge, or the maximum or minimum rate or charge, thereafter to be observed, or the lawful classification, rule, regulation or practice thereafter to be made effective, by such carrier.

In carrying out the provisions of this section the department shall give due consideration, among other factors, to the inherent advantages of transportation by such carrier, to the effect of any rates under consideration upon the movement of traffic by such carriers, to the need in the public interest of adequate and efficient transportation service by such carriers, to the cost of service and to the need of revenues sufficient to enable such carriers under honest, economical and efficient management to provide such service.

No common carrier by aircraft shall engage in the transportation of persons or property between points within the commonwealth unless the rates and charges upon which the same are or is transported by said carrier shall have been filed and published in accordance with this section.

Approved October 30, 1941.

Chap. 714 AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN WATERFRONT PROPERTIES IN THE CITY OF BOSTON, TO CONSTRUCT A PIER THEREON AND TO LEASE THE SAME.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to perform with the utmost possible expedition certain work necessary for the national defense, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions imposed in this section, the department of public works, in this act called the department, for the purpose of improving the pier facilities in the port of Boston, is hereby authorized to acquire under the provisions of chapter eighty A of the General Laws property of the Boston and Maine Railroad being that portion of the property known as the Mystic Wharves lying easterly of Chelsea street and now known and more particularly numbered as piers 46, 47, 48, 49 and 50 together with such lands on the westerly side of said Chelsea street

as may be necessary for the construction of a ramp or ramps, and other accessories, all to such extent as may be necessary to develop a waterfront terminal with highway and railroad connections on said property and may construct a pier thereon substantially in the location of said piers 46 and 47, but extending a distance of not more than two hundred feet beyond any line limiting structures in tide-water heretofore established, notwithstanding any other provision of law, with sheds, tracks, roadways and appurtenances, and may dredge berths and approaches thereto and provide such other accessories as it may deem desirable; provided, that nothing shall be done under this act unless and until the department is satisfied that labor and materials are available for the performance of the work provided for by this act; and provided, further, that the department shall first have executed a written contract, approved by the governor and council, with some responsible party providing for the lease of said property for the period and upon the terms hereinafter provided. Said lease shall be for a term beginning on the date on which the property is acquired and ending on June thirtieth, nineteen hundred and sixty-three, shall provide for a basic rental of seventy-two thousand dollars per annum for said term, shall provide that for the balance of the term after the date of the completion of said pier as determined by the department, the lessee shall pay to the commonwealth an additional amount of eighty-eight thousand dollars per annum, and shall provide that at the expiration of the term of the lease, provided that the lease is continued in full force and effect at all times during such term, it may at the option of the lessee be renewed for a further period of twenty years at a rental of such amount per annum, not less than one hundred and ninety thousand dollars, as may be agreed upon by the department or its successor and the lessee or, in case of failure so to agree, as may be determined by three arbitrators, one to be named by the department or its successor, one by the lessee, and the third to be selected by the two so chosen. Said lease shall further be subject to such provisions and conditions as may be agreed upon by the department and the lessee. The cost of acquiring and developing such property with the facilities hereinbefore specified shall not exceed four million seven hundred thousand dollars.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall upon request of the department issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the department from time to time but not exceeding, in the aggregate, the sum of four million seven hundred thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face "BOSTON HARBOR TERMINAL FACILITIES LOAN,

1941" and shall be on the serial payment plan for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amount payable each year other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix.

SECTION 3. The commissioner of public works may appoint and remove such engineering, clerical and other assistants as the work authorized in this act may require. Such appointments shall be subject to chapter thirty-one of the General Laws and the rules and regulations made thereunder but may be made on a temporary basis for the duration of the period required for the completion of such work or for any portion thereof, any provision in said chapter thirty-one or said rules and regulations to the contrary notwithstanding, and the commissioner may terminate such appointments whenever, in his opinion, the necessity therefor no longer exists, and the commissioner shall terminate such appointments upon the completion of such work or, as to any of such appointments as are for only a portion of such work, upon the completion of said portion.

Approved October 30, 1941.

Chap. 715 AN ACT TO PROHIBIT THE SALE OF CIGARETTES AS "LOSS-LEADERS" WITH INTENT TO INJURE COMPETITORS OR TO DESTROY COMPETITION, AND TO STABILIZE AND INCREASE COLLECTIONS UNDER THE CIGARETTE TAX LAW.

Be it enacted, etc., as follows:

SECTION 1. This act shall be known and designated as the "Unfair Cigarette Sales Act".

SECTION 2. When used in this act: (a) The term "cost to the retailer" shall mean the invoice cost of the cigarettes to the retailer, or the replacement cost of the cigarettes to the retailer within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added the cost of doing business by the said retailer as evidenced by the standards and the methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(b) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of

doing business to the retailer shall be presumed to be six per centum of the invoice cost of the cigarettes to the retailer or of the replacement cost of the cigarettes to the retailer within thirty days prior to the date of sale in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.

(c) The term "cost to the wholesaler" shall mean the invoice cost of the cigarettes to the wholesaler, or the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale, in the quantity last purchased, whichever is lower; less all trade discounts except customary discounts for cash; to which shall be added a wholesaler's mark-up to cover in part the cost of doing business, which wholesaler's mark-up, in the absence of proof of a lesser cost of doing business by the said wholesaler as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses, paid or incurred, including without limitation, labor, salaries of executives and officers, rent, depreciation, selling costs, maintenance of equipment, delivery, delivery costs, all types of licenses, taxes, insurance and advertising, shall be two per centum of said invoice cost of the cigarettes to the wholesaler, or of the replacement cost of the cigarettes to the wholesaler within thirty days prior to the date of sale in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash.

(d) In the absence of proof of a lesser or higher cost of doing business, the cost of doing business to the retailer, who received in connection with the retailer's purchase not only the discounts ordinarily allowed upon purchases by a retailer but also in whole or in part the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be six per centum of both the invoice cost of the cigarettes to such retailer or the replacement cost of the cigarettes to such retailer within thirty days prior to the date of sale in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash and "wholesaler mark-up".

(e) In all advertisements, offers for sale or sales involving two or more items at a combined price and in all advertisements, offers for sale or sales involving the giving of any concession of any kind whatsoever (whether it be coupons or otherwise) the retailer's or wholesaler's selling price shall not be below the "cost to the retailer" or the "cost to the wholesaler", respectively, of all articles, products, commodities and concessions included in such transactions.

(f) The terms "sell at retail", "sales at retail" and "retail sales" shall mean and include any transfer of title to tangible personal property for a valuable consideration made, in the ordinary course of trade or usual prosecution of the seller's business, to the purchaser for consumption or use. The terms "sell at wholesale", "sales at wholesale"

and "wholesale sales" shall mean and include any such transfer of title to tangible personal property for the purpose of resale.

(g) The term "retailer" shall mean and include any person who is licensed to sell cigarettes at retail within this state under the provisions of chapter four hundred and seventeen of the acts of nineteen hundred and forty-one.

(h) The term "wholesaler" shall mean and include any person who is permitted to sell cigarettes at wholesale within this state under the provisions of said chapter four hundred and seventeen.

(i) The term "person" shall mean an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, any unincorporated organization, a receiver or trustee.

SECTION 3. (a) It shall be unlawful for any retailer with intent to injure competitors, destroy substantially or lessen competition, to advertise, offer to sell or sell at retail cigarettes at less than cost to the retailer, or any wholesaler, with intent to injure competitors, destroy substantially or lessen competition, to advertise, offer to sell or sell at wholesale cigarettes at less than cost to the wholesaler and such retailer or wholesaler shall be punished by a fine of not more than five hundred dollars.

(b) Evidence of advertisement, offering to sell or sale of cigarettes by any retailer or wholesaler at less than cost to him, shall be prima facie evidence of intent to injure competitors, destroy substantially or lessen competition.

SECTION 4. Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this act, assists or aids, directly or indirectly, in such violation shall, equally with the person for whom he acts, be responsible therefor and subject to the punishment and penalties specified in subsection (a) of this section.

SECTION 5. The provisions of this act shall not apply to sales at retail or sales at wholesale made: (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale or sold in bona fide clearance sales for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale or to be sold; (c) where cigarettes are advertised, offered for sale or sold as imperfect or damaged and said advertising, offer to sell or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale or to be sold; (d) where cigarettes are sold upon the complete final liquidation of a business; (e) where cigarettes are advertised, offered for sale or sold by any fiduciary or other officer acting under the order or direction of any court.

SECTION 6. Any retailer or wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the prices of a competitor who is selling the same

article at cost to him as a wholesaler or retailer. The prices of cigarettes advertised, offered for sale or sold under the exemptions specified in section five shall not be considered the price of a competitor and used as a basis for establishing prices below cost, nor shall prices established at bankrupt sales be considered as prices of a competitor within the purview of the first sentence of this section.

SECTION 7. Any contract, express or implied, made by any person, firm or corporation in violation of any of the provisions of this act is declared to be an illegal and void contract and no recovery thereon shall be had.

SECTION 8. In determining cost to the retailer and cost to the wholesaler, the court shall receive and consider as bearing on the bona fides of such cost evidence tending to show that any person complained against under any of the provisions of this act purchased cigarettes with respect to the sale of which complaint is made at a fictitious price or upon terms or in such a manner or under such invoices as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature.

SECTION 9. In establishing the cost of cigarettes to the retailer or wholesaler, the invoice cost of said cigarettes purchased at a forced, bankrupt, closeout sale, or other sale outside of the ordinary channels of trade may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retailer or wholesaler within thirty days prior to the date of sale, in the quantity last purchased through the ordinary channels of trade.

SECTION 10. Where the particular trade, of which the person complained against is a member, has an established cost survey for the trading area in which the offense is committed, the said cost survey shall be deemed competent evidence to be used in proving the cost of the person complained against within the provisions of this act.

SECTION 11. The commissioner of corporations and taxation may suspend or revoke any license issued under chapter four hundred and seventeen of the acts of the current year for failure of the licensee to comply with any provision of this act. Any person aggrieved by such suspension or revocation may apply to said commissioner for a hearing as provided in section twelve of said chapter and may further appeal to the appellate tax board as provided in section fourteen of said chapter.

SECTION 12. If any of the provisions of this act shall be invalid or unconstitutional such invalidity or unconstitutionality shall not affect other provisions which can be given effect without the invalid or unconstitutional provision and to this end the provisions of this act are declared to be severable.

SECTION 13. The provisions of this act shall be operative only during the period in which the provisions of chapter four hundred and seventeen of the acts of nineteen hundred and forty-one, providing for the extension of the temporary cigarette tax, are operative. *Approved October 30, 1941.*

Chap. 716 AN ACT TO ENABLE CERTAIN MUTUAL INSURANCE COMPANIES TO ISSUE POLICIES WITHOUT CONTINGENT LIABILITY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, new § 85A, inserted.

Mutual fire companies to make certain deposits with state treasurer.

SECTION 1. Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section eighty-five, as appearing in the Tercentenary Edition, the following new section:— *Section 85A.* The commissioner may authorize a mutual fire company, which has and maintains a surplus to policyholders, including any guaranty capital, of two hundred thousand dollars to issue non-assessable policies, and the provisions of section eighty-one relating to contingent liability of policyholders shall not apply to any such non-assessable policies. Any such mutual fire company shall keep on deposit with the state treasurer the sum of two hundred thousand dollars. Such deposit may be made in the securities and subject to the limitations specified in sections sixty-three and sixty-six, or in cash or such other securities as the commissioner may approve. Any deposit under this section or section ninety-three F, when made with the state treasurer and approved by the commissioner, shall be subject to section one hundred and eighty-five. The commissioner shall allow to the credit of a company in the account of its financial condition all assets deposited with the state treasurer in accordance with the requirements of this section.

G. L. (Ter. Ed.), 175, § 90, amended.

Application of § 85A, limited.

SECTION 2. Section ninety of said chapter one hundred and seventy-five, as so appearing, is hereby amended by adding at the end of the first paragraph the following:— ; provided, that, except to the extent set forth in section ninety-three F, the provisions of section eighty-five A shall not apply thereto.

G. L. (Ter. Ed.), 175, new § 93F, inserted.
Non-assessable policies, may be issued when.

SECTION 3. Said chapter one hundred and seventy-five is hereby further amended by inserting after section ninety-three E, as so appearing, the following new section:— *Section 93F.* Any mutual fire company, or any company specified in the first paragraph of section ninety, which has and maintains a surplus to policyholders, including any guaranty capital or guaranty fund, at least equal to the minimum paid-up capital and assets that are on the effective date of this section required by this chapter of a stock insurance company transacting the same kind or kinds of business may issue non-assessable policies, and the provisions of section eighty-one relating to contingent liability of policyholders shall not apply to any such non-assessable policies. Any such mutual company shall keep on deposit with the

state treasurer the sum of two hundred thousand dollars, subject to the provisions of section eighty-five A.

SECTION 4. Said chapter one hundred and seventy-five is hereby further amended by inserting after section one hundred and fifty-two, as so appearing, the following new section: — *Section 152A.* Any mutual fire company admitted before or after this section takes effect to transact business in this commonwealth may issue non-assessable policies in compliance with the requirements of section eighty-five A and any such mutual company, or any company specified in the first paragraph of section ninety, may issue non-assessable policies in compliance with the requirements of section ninety-three F, except that the deposit required in either case may be made in the home state of such admitted company in cash or securities legal for investments by such companies in such home state. Any deposit required for the purposes specified in either of said sections shall be inclusive of, and not in addition to, any deposit required by any other state to be made for the benefit of all policyholders in the United States.

G. L. (Ter. Ed.), 175, new § 152A, inserted.

Deposits made in home states of mutual fire companies.

SECTION 5. Section eighty-three of said chapter one hundred and seventy-five, as so appearing, is hereby amended by adding at the end thereof the following paragraph: — In the case of a company which issues both assessable and non-assessable policies, any assessment shall be for the exclusive benefit of holders of policies who are subject to assessment, and such policyholders shall not be liable to assessment in an amount greater in proportion to the total deficiency than the ratio that the deficiency attributable to the assessable business bears to the total deficiency.

G. L. (Ter. Ed.), 175, § 83, amended.

Assessments.

Approved October 30, 1941.

AN ACT AUTHORIZING THE EXTENSION OF CERTAIN STRUCTURES FROM THE PLANT OF THE DEFENSE PLANT CORPORATION AT WEST LYNN INTO THE TIDE WATERS OF SAUGUS RIVER BEYOND THE HARBOR LINE ESTABLISHED IN SAID RIVER.

Chap. 717

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide increased facilities for production for purposes of national defense, therefore it is hereby declared to be an emergency law necessary for the preservation of the public safety.

Emergency preamble.

Be it enacted, etc., as follows:

Notwithstanding any provision of chapter ninety-one of the General Laws to the contrary, the Defense Plant Corporation is hereby authorized to extend a pile pier with dolphins, pipe lines and other accessories from its plant at West Lynn into the tide waters of Saugus river beyond the harbor line established by chapter three hundred and thirteen of the acts of eighteen hundred and sixty-seven, but not within one hundred feet of the line of the northerly abut-

ment of the General Edwards bridge extended in a westerly direction, subject to all other provisions of said chapter ninety-one and to such other terms and conditions as the department of public works shall determine.

Approved October 30, 1941.

Chap. 718 AN ACT RELATIVE TO THE EXCISE ON REGISTERED MOTOR VEHICLES AND TRAILERS OWNED BY CERTAIN CORPORATIONS AND ASSOCIATIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make the excise thereby imposed uniformly applicable to motor vehicles and trailers registered during the calendar year nineteen hundred and forty-two, irrespective of the date in said year when registered, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 60A,
§ 1, etc.,
amended.

SECTION 1. Section one of chapter sixty A of the General Laws, as most recently amended by section one of chapter four hundred and eighty of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the twelfth to the fifteenth lines, inclusive, of the fourth paragraph the words "any corporation other than a domestic business, domestic manufacturing, foreign or public service corporation, or by an association, whose personal property is exempt from taxation under" and inserting in place thereof the following: — a corporation whose personal property is exempt from taxation under clause Third of, — so that said fourth paragraph will read as follows: —

Certain motor
vehicles not
subject to
excise tax.

The excise imposed by this section shall not apply to motor vehicles or trailers owned and registered by the commonwealth or any political subdivision thereof, or owned or controlled by a manufacturer or repairman to whom has been issued a general distinguishing number or mark under section five of chapter ninety, or to motor vehicles or trailers owned or controlled by a dealer to whom has been so issued a general distinguishing number or mark, even though one or more of the motor vehicles or trailers owned or controlled by such dealer is or are registered under section two of said chapter ninety, or to motor vehicles or trailers owned and registered by a corporation whose personal property is exempt from taxation under clause Third of section five of chapter fifty-nine; provided, that the exemption from excise herein provided for motor vehicles and trailers owned or controlled and registered by manufacturers, dealers and repairmen shall not apply in case the motor vehicle or trailer while so registered shall be operated or propelled over the highways for the personal use or convenience, or for any use other than in connection with the business, of

the owner or controller as such manufacturer, dealer or repairman.

SECTION 2. This act shall take effect on January first, nineteen hundred and forty-two. Effective date.

Approved October 30, 1941.

AN ACT TO PROVIDE FOR THE SAFETY OF THE COMMONWEALTH IN TIME OF MILITARY EMERGENCY.

Chap. 719

Whereas, The deferred operation of this act would tend to defeat its purpose, which is immediate further preparation for the defense of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Emergency
preamble.

Be it enacted, etc., as follows:

PART I.

MASSACHUSETTS EMERGENCY COMMISSION.

SECTION 1. The governor may appoint an unpaid commission to be known as the Massachusetts emergency commission for the purposes stated in this act. Said commission shall include such department heads and other officers of the commonwealth as the governor may deem necessary, and the executive director of the governor's committee on public safety. The governor shall appoint the chairman of said commission to serve during his pleasure. Said commission shall be in the executive branch of the government, shall serve under the governor and shall be subject to his supervision and control. Said commission shall assist the governor in carrying out and enforcing the provisions of this act and the orders, rules and regulations made thereunder.

SECTION 2. Said commission may employ subject to the approval of the governor and, subject to the approval of the commission on administration and finance, fix the compensation of such executive officers, and such technical, clerical, stenographic and other personnel as it deems necessary to carry out the duties set forth in this act. Such compensation shall be commensurate with that for like positions within the classified service.

SECTION 3. Said commission may prescribe distinguishing marks or insignia to distinguish persons engaged in civilian defense activities, and may designate by rule or otherwise what persons may wear such marks or insignia. No such marks or insignia shall in any way conflict with, or so resemble as to be confused with or mistaken for, military or naval or police or fire department uniforms or badges. Any person who without authority wears any such marks or insignia or any simulation thereof or ones designed to be confused therewith shall be punished by a fine of not less than five nor more than one hundred dollars.

SECTION 4. In order to train the civilian population against air raids and other vicissitudes of modern warfare, the mayor and city council in cities and the selectmen in towns may at such time or times as may be approved by said emergency commission, and pursuant to such rules and regulations as it may from time to time issue, conduct practice blackouts, air raid warnings and other civilian defense activities. The plan and orders for any such practice activity shall be submitted to said commission for its approval and, as approved or modified by said commission, shall be prominently published in the particular city or town at least seven days before the practice activity is to take place. Any person who shall wilfully violate any order approved and published as aforesaid shall be punished by a fine of not less than five nor more than twenty-five dollars.

SECTION 5. (a) The mayor and city council in cities and the selectmen in towns, or such other persons or bodies as are authorized under existing laws to appoint firemen or policemen, may appoint, train and equip volunteer, unpaid auxiliary firemen and auxiliary police and may establish and equip such other volunteer, unpaid public protection units as may be approved by said commission and may appoint and train their members. Chapters thirty-one, thirty-two and one hundred and fifty-two of the General Laws shall not apply to persons appointed hereunder.

(b) Cities and towns may by ordinance or by-law, or by vote of the aldermen, selectmen, or board exercising similar powers, authorize their respective police departments to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein; and, while in the performance of their duties in extending such aid, the members of such departments shall have the same powers, duties, immunities and privileges as if performing the same within their respective cities or towns. Any such ordinance, by-law or vote may authorize the head of the police department to extend such aid subject to such conditions and restrictions as may be prescribed therein. Any city or town aided under and in accordance with this section shall compensate any city or town rendering aid as aforesaid for the whole or any part of any damage to its property sustained in the course of rendering the same and shall reimburse it in whole or in part for any payments lawfully made to any member of its police department or to his widow or other dependents on account of injuries or death suffered by him in the course of rendering aid as aforesaid or of death resulting from such injuries.

(c) The head of the fire or police department of any town or city of the commonwealth shall, after the issuing of any proclamation provided for in section six (a), order such portion of his department, with its normal equipment, as the governor may request, for service in any part of the commonwealth where the governor may deem such service necessary for the protection of life and property. When on such

service, police officers and firemen shall have the same powers, duties, immunities and privileges as if they were performing their duties within their respective cities or towns. The commonwealth shall compensate any city or town for damage to its property sustained in such service and shall reimburse it for any payments lawfully made by it to any member of its police or fire department or to his widow or other dependents on account of injuries sustained by him in such service or of death resulting from such injuries.

PART II.

EMERGENCY POWERS OF THE GOVERNOR.

SECTION 6. (a) If and when the Congress of the United States shall declare war, or if and when the President of the United States shall by proclamation or otherwise inform the governor that the peace and security of the commonwealth are endangered by belligerent acts of any enemy of the United States or of the commonwealth or by the imminent threat thereof, the governor may, with the advice and consent of the council, issue a proclamation or proclamations setting forth a state of emergency.

(b) Whenever the governor has proclaimed the existence of such a state of emergency, he may employ every agency and all members of every department and division of the government of the commonwealth to protect the lives and property of its citizens and to enforce its laws. Any member of any such department or division so employed shall be entitled to the protection of existing applicable provisions of law relative to any type of service of the commonwealth in emergencies.

(c) After such proclamation has been made, the governor may, in the event of any disaster or shortage making such action necessary for the protection of the public and with the approval of the council, take possession: (1) of any land or buildings, machinery or equipment; (2) of any horses, vehicles, motor vehicles, aeroplanes, ships, boats or any other means of conveyance, rolling stock of steam or electric railroads or of street railways; (3) of any cattle, poultry and any provisions for man or beast, and any fuel, gasoline or other means of propulsion which may be necessary or convenient for the use of the military or naval forces of the commonwealth or of the United States, or for the better protection or welfare of the commonwealth or its inhabitants. He may use and employ all property of which possession is so taken, for such times and in such manner as he shall deem for the interests of the commonwealth or its inhabitants, and may in particular, when in his opinion the public exigency so requires, sell or distribute gratuitously to or among any or all of the inhabitants of the commonwealth anything taken under clause (3) of this paragraph. He shall, with the approval of the council, award reasonable compensation to the owners of any property of which he may take

possession under the provisions of this section, and for its use, and for any injury thereto or destruction thereof caused by such use.

(d) Any owner of property of which possession has been taken under paragraph (c) to whom no award has been made, or who is dissatisfied with the amount awarded him by the governor, with the approval of the council, as compensation, may file a petition in the superior court to have the amount to which he is entitled by way of damages determined. The petitioner and the commonwealth shall severally have the right to have such damages assessed by a jury upon making claim in such manner as may be provided by law or by the rules of said court.

(e) Such petition may be filed in the county in which the petitioner lives or has his usual place of business, if the petitioner lives or has a usual place of business in the commonwealth, otherwise in the county of Suffolk. The petition shall be brought within one year after the date when possession of the property was taken under paragraph (c), except that if the owner of the property is in the military or naval service of the United States at the time of the taking, it shall be brought within three years after said date. Except as is otherwise provided herein, such petition shall be heard and determined in accordance with the provisions of chapter two hundred and fifty-eight of the General Laws.

(f) Upon such petition, full damages shall be awarded whether or not the same had fully accrued at the time of the filing of the petition, and, whenever necessary, the hearing on the petition shall, on the application of either the petitioner or the commonwealth, be continued for assessment of damages until the same are fully ascertained.

SECTION 7. The governor shall have full power and authority to co-operate with the federal authorities and with the governors of other states in matters pertaining to the common defense or to the common welfare, and also so to co-operate with the military and naval forces of the United States and of the other states, and to take any measures which he may deem proper to carry into effect any request of the President of the United States for action looking to the national defense or to the public safety.

SECTION 8. (a) After any proclamation provided for in section six (a) shall have been made, the governor may, whenever he considers that the public safety so requires, make such orders or regulations for air raid precautions and for the preservation of life and property as he may determine to be advisable, and may appoint such persons as he deems necessary to carry out said orders and regulations.

(b) So far as necessary to insure that blackouts or other civilian defense measures established by the governor under any regulations provided by him shall be effective and complete, the provisions of orders made under this section during the period for which they are in force shall supersede any laws, rules, regulations, ordinances or by-laws to the

extent that they are inconsistent therewith. Any person authorized to enforce such orders or regulations may call upon any police officer for assistance in the enforcement thereof. In order to render any order or regulation established under this section effective, and in order more fully to provide for the protection of life and property within the commonwealth, the governor may take over the control of any public property, real or personal, during the periods of such blackouts, and may delegate the power to take such control to any persons designated by him in such orders or regulations.

(c) Any violation of any order or regulation made under this section shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both.

SECTION 8A. The provisions of this act and the powers granted hereunder shall take effect and be exercised only in so far as they do not contravene any law of the United States or the exercise of any lawful power by the President.

SECTION 9. If any part, subdivision or section of this act shall be declared unconstitutional, the validity of the remaining parts thereof shall not be affected thereby.

SECTION 10. This act may be cited as the Commonwealth Emergency Defense Act of 1941.

SECTION 11. This act, except as otherwise provided herein, shall remain in force until February first, nineteen hundred and forty-three or until the governor, with the advice and consent of the council, proclaims that the emergency is ended, whichever first shall occur; provided, that the emergency powers given to the governor by sections six, seven and eight under any proclamation shall expire sixty days after the making of such proclamation unless before that time the general court has ratified and approved the same.

SECTION 12. For the purpose of carrying out the provisions of this act, such sums as may be necessary may be expended from the amount appropriated by item 0401-33 of section two of chapter four hundred and nineteen of the acts of the current year and subject to the provisions contained in said item. After the end of the fiscal year ending November thirtieth, nineteen hundred and forty-two and until the general court provides otherwise, the Massachusetts emergency commission may, subject to the provisions of said item 0401-33, incur liabilities, in any month, not in excess of the largest monthly expenditure during said fiscal year.

Approved October 30, 1941.

Chap. 720 AN ACT FURTHER PROVIDING FOR SEWAGE DISPOSAL NEEDS OF THE NORTH AND SOUTH METROPOLITAN SEWERAGE DISTRICTS AND COMMUNITIES WHICH NOW OR HEREAFTER MAY BE INCLUDED IN SAID DISTRICTS AND EXTENDING THE LIFE OF THE EMERGENCY PUBLIC WORKS COMMISSION.

Emergency
preamble.

Whereas, The deferred operation of this act would, in part, defeat its purpose, which is to prepare with the utmost expedition for national defense in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of this act only, the metropolitan district water supply commission, comprising the three members provided for by chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, as amended, shall also include the director and chief engineer of the sewerage division of the metropolitan district commission and the director and chief sanitary engineer of the division of sanitary engineering of the department of public health, both *ex officio*. Subject to the conditions hereinafter provided, the metropolitan district water supply commission, enlarged as hereinbefore provided, said commission as so constituted being hereinafter referred to as the metropolitan district water supply commission, is hereby authorized and directed on behalf of the commonwealth to carry out the following projects:— *Project 1.* The construction at a cost not exceeding three million eight hundred thousand dollars, of a sewage treatment plant and appurtenant works at Nut island in the city of Quincy, including the construction of equipment for the disposal of sludge from the sewage of the south metropolitan sewerage district. *Project 2.* The construction of and extension of the north metropolitan relief sewer from East Boston to Deer island, including a pumping station and appurtenant works at East Boston. *Project 3.* The construction of a storm overflow conduit along Alewife brook in the cities of Cambridge, Medford and Somerville and the towns of Arlington and Belmont. *Project 4.* The construction of a storm overflow conduit on the southerly side of the Charles river for the purpose of providing relief from storm overflow into the Charles river basin, including a pumping station and appurtenant works. *Project 5.* The construction of a storm overflow conduit on the northerly side of the Charles river for the purpose of providing relief from storm overflow into the Charles river basin, including pumping station and appurtenant works. No work on account of any such project, except under section eight, shall be performed, and no borrowing except for work under section eight shall be made on account of any such project, except upon certification by the emergency public works commis-

sion, not later than June thirtieth, nineteen hundred and forty-five, that not less than twenty-five per cent of the estimated cost of such project as approved by the appropriate federal authority is made available from federal funds or federal assistance, or both. For the purpose of carrying out said projects, including any expenditures on account of the purchase or taking of land or damage to land occasioned by the construction herein provided for, the metropolitan district water supply commission may expend sums, not exceeding in the aggregate, fifteen million dollars, including the sum of three million eight hundred thousand dollars allowed for project one; provided, that no such project shall be undertaken unless at least twenty-five per cent of the estimated cost thereof as approved by the federal authorities is made available from federal funds or federal assistance, or both, and certified as aforesaid.

SECTION 2. The commonwealth may, for the purpose of carrying out as a federal project the works or any part thereof herein authorized, accept and use any federal funds or any federal assistance, or both, provided therefor under any federal law, authority to make application therefor being hereby granted to the emergency public works commission established under section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, and the provisions of said section one which relate to action by said emergency public works commission shall apply in the case of action under this act. None of the aforesaid projects shall be undertaken unless it is approved by said emergency public works commission and the governor. Any of the aforesaid projects, when so approved, shall be carried out in all respects subject to the provisions of the appropriate federal law providing for construction of projects of that class, and the rules and regulations made pursuant thereto, and to such terms, conditions, rules and regulations, not inconsistent with such federal laws and rules and regulations, as said emergency public works commission may establish, with the approval of the governor, to ensure the proper execution of said projects.

Upon completion of each of said projects the metropolitan district water supply commission shall turn over the same, together with all appurtenances and property incidental thereto, to the metropolitan district commission, which shall thereafter maintain such project as a part of the metropolitan sewer system under chapter ninety-two of the General Laws, with all the powers and duties conferred and imposed upon it by said chapter.

SECTION 3. No payment shall be made or obligation incurred for carrying out any of the said projects, following their approval by said emergency public works commission and the governor, and their approval by the proper federal authorities, until plans, specifications and contracts therefor, and alterations thereto subsequently proposed, have been approved by said emergency public works commission, unless

otherwise provided by such rules or regulations as said last mentioned commission may make.

SECTION 4. All moneys paid to the commonwealth by the federal government for the purpose of carrying out projects provided for by this act shall be received by the state treasurer. Payment from the state treasury for expenditures incurred under this act shall be made in accordance with the procedure prescribed under section eighteen of chapter twenty-nine of the General Laws, and all other provisions of said chapter twenty-nine shall apply in the case of any project undertaken under this act or any expenditure necessary for carrying out the purposes hereof, except in so far as such provisions of law may be in conflict with applicable federal laws and regulations.

SECTION 5. In constructing the works authorized by this act, the metropolitan district water supply commission shall proceed with the organization and in the manner provided by said chapter three hundred and seventy-five. All of the provisions of section two of said chapter three hundred and seventy-five relative to the employment of laborers, workmen and mechanics and relative to the appointment, removal and fixing of compensation of all employees of the said metropolitan district water supply commission, including the appointment and removal of a chief engineer, shall apply in carrying out the provisions of this act. None of the employees of said metropolitan district water supply commission, whether appointed before or after the effective date of this act, shall become members of the state retirement system, but those who are members thereof at the time of their employment may be continued therein. The salaries of the chairman and the associate commissioners of the metropolitan district water supply commission, as set forth in chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, shall be charged one half against the authorization made available under this act and one half against the authorization made available under said chapter three hundred and seventy-five as amended or affected by subsequent acts. All engineering services and such administrative expenses incurred under this act shall be considered as part of the direct cost of the projects for which they were incurred as set forth in section one of this act.

SECTION 6. In carrying out the powers and duties conferred upon it by this act, the metropolitan district water supply commission may construct and maintain buildings, roads, conduits, pipes, drains and wires under or over any watercourse, bridge, railroad, railway, boulevard or other public way in such a manner as not unnecessarily to obstruct or impede travel thereon, conforming to any reasonable regulations made by the mayor and aldermen of cities and the selectmen of towns, respectively, wherein such works are performed, and restoring, so far as practicable, any such road, street or way to as good order and condition as the

same was in when such work was commenced. The metropolitan district water supply commission may enter upon and use the land of others, heeding so far as practicable all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon it by this act. The metropolitan district water supply commission shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 7. For any of the purposes of this act, the metropolitan district water supply commission, on behalf of the commonwealth, may, at any time and from time to time, take by eminent domain or acquire by purchase or otherwise, such lands, water rights, easements and other property or interests in property, public or private, as it may deem necessary or desirable for the purposes of this act.

It may also take and use, for the purposes of this act, any land or rights in land of the commonwealth upon such terms and conditions as may be agreed upon by it and the state department or other authority which at the time is vested by the commonwealth with the care and control of such lands or rights, and if the metropolitan district water supply commission and such department or other authority cannot agree upon said terms and conditions, then such terms and conditions shall be fixed by the governor and council.

Any taking under this act, except as hereinbefore provided in this section, may be in fee or otherwise, perpetual in duration or for a limited period of time, according as the metropolitan district water supply commission shall determine and set forth in the order of taking.

All takings under this act of property or rights in property and all proceedings in relation to or growing out of such takings shall conform to the provisions of chapter seventy-nine of the General Laws, except in the following particulars:—

(a) The metropolitan district water supply commission need make no award of damages sustained by persons or corporations in their property by any such taking.

(b) The notice required by section eight of said chapter seventy-nine may be given at any time within one year after the recording of the order of taking as provided in section three of said chapter.

(c) Petitions for the assessment of damages under section fourteen of said chapter seventy-nine may be filed within two years after the recording of the order of taking provided for in said section three. The last nine lines of section sixteen of said chapter seventy-nine, as amended by chapter one hundred and eighty-five of the acts of nineteen hundred and thirty-eight, beginning with the word “but” in line three shall have no application to takings under this act.

(d) For all property taken under this act, the right to damages shall vest upon the recording of the taking in the registry of deeds.

(e) The metropolitan district water supply commission may sell at public or private sale or exchange or lease any property, real or personal, whether taken by eminent domain or otherwise acquired, which in the opinion of the metropolitan district water supply commission is no longer needed for the purposes of this act. Any sums of money so received shall be applied to reduce the construction costs or to reduce the bonded indebtedness for the works.

SECTION 8. Pending receipt of federal funds for any of the foregoing projects, the metropolitan district water supply commission shall make borings and surveys and prepare plans and specifications for each of the foregoing projects only with the approval of the governor, and shall have such powers as may be proper and reasonably necessary to carry out said operations or plans, specifications, surveys and borings. For the purpose of carrying out said work, the metropolitan district water supply commission may expend, from the amount authorized by section one, a sum not exceeding four per cent of the estimated cost of the aforementioned projects, except that there shall be deducted from said allowable expenditures of four per cent an amount equal to the total sums expended by and liabilities incurred by the metropolitan district commission under authority granted by section nine of chapter five hundred and twelve of the acts of nineteen hundred and thirty-nine. The metropolitan district commission shall upon request, transfer to the metropolitan district water supply commission all plans, specifications, surveys and borings heretofore carried on by it in connection with projects provided for by this act.

SECTION 9. To meet the cost of construction and expenditures of the metropolitan district water supply commission in carrying out the provisions of this act, the state treasurer shall from time to time on the request of the metropolitan district water supply commission, borrow, on the credit of the commonwealth, a sum or sums, not exceeding, in the aggregate, fifteen million dollars, and may issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued for the purpose of carrying out said projects shall become due not later than such number of years from the date of the obligations of such series, not exceeding twenty years, as the governor may recommend to the general

court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth. All obligations issued under this act shall be signed by the state treasurer and approved by the governor. All obligations issued under this act shall be payable, as to both principal and interest, in such funds as are, on the respective dates of payment of such principal and interest, legal tender for the payments of debts due the United States of America.

SECTION 10. All interest payments and payments on account of principal on such obligations, in so far as the proceeds of such obligations are used to meet the cost of projects two, three and five hereunder and the cost of maintenance and operation of the sewerage works constructed under said projects two, three and five shall be deemed to be, and shall be paid as, a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and thirty-nine of the acts of eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto and affecting the same, and shall be apportioned, assessed and collected in the manner provided by the provisions of chapter ninety-two of the General Laws relative to the north metropolitan sewerage system; and all interest payments and payments on account of principal on such obligations, in so far as the proceeds of such obligations are used to meet the cost of projects one and four hereunder and the cost of maintenance and operation of the sewerage works constructed under said projects one and four shall be deemed to be, and shall be paid, as a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and twenty-four of the acts of eighteen hundred and ninety-nine and acts in amendment thereof and in addition thereto and affecting the same and shall be apportioned, assessed and collected in the manner provided by chapter ninety-two of the General Laws relative to the south metropolitan sewerage system.

SECTION 11. In order to provide funds to carry out any project, in anticipation of the receipt by the commonwealth of contributions therefor due from the federal government under agreements, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the emergency public works commission to be necessary to provide such temporary funds, but not exceeding at the time of any such certification the balance of such federal funds then remaining unpaid, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him, with the approval of the governor. Such notes shall be issued for such term, not exceeding one year, as may be recommended by the governor to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth. All notes

issued hereunder shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

SECTION 12. No act shall be done under authority of this act, except in the making of surveys, plans and borings and other preliminary investigations for submission to the governor for approval, until the plans of the system of sewerage and sewage disposal herein authorized have been approved by the department of public health. Upon application to said department for its approval of any sewage disposal works, it shall give a hearing, after due notice to the public. At such hearing, plans showing in detail all the work to be done in constructing such sewage disposal works shall be submitted for approval by said department.

SECTION 13. The metropolitan district commission is hereby authorized and directed to adopt, and thereafter may alter, amend and repeal, rules and regulations concerning the discharge of sewage, drainage, substances or wastes into any sewer under its control, or any sewer tributary thereto, within the north metropolitan sewerage district or the south metropolitan sewerage district. Failure on the part of any municipality within either of said districts to comply with any such rule or regulation, or with any order made under authority thereof, lawfully affecting such municipality, shall be sufficient cause for the levying and collecting by said metropolitan district commission from such municipality of such additional assessment or assessments as said metropolitan district commission may deem necessary to compensate it for the disposal of sewage, drainage, substances or wastes from such municipality; provided, that no such additional assessment shall be levied on any such municipality in any one year which shall exceed the lesser of an amount equal to one twentieth of one per cent of the taxable value of such municipality, or the sum of two hundred thousand dollars.

SECTION 14. The metropolitan district commission shall, upon the completion by the city of Boston of the sewage treatment plant of the Boston main drainage system, dispose of the sludge from said treatment plant.

SECTION 15. Chapter four hundred and eighty-five of the acts of nineteen hundred and seven, as amended, is hereby repealed. Chapter five hundred and twelve of the acts of nineteen hundred and thirty-nine is hereby repealed; but this repeal shall not affect the validity of any obligation or liability incurred or act done under said chapter. If there are any liabilities incurred under said last mentioned chapter to meet which no funds are available except by borrowing thereunder, the necessary funds may be borrowed in the manner and to the extent provided by said chapter.

SECTION 16. The existence of the emergency public works commission, established by section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as extended by section one of chapter three

hundred and eighty of the acts of nineteen hundred and thirty-five, by chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-seven, by section one of chapter twenty of the acts of nineteen hundred and thirty-eight and by section three of chapter five hundred and one of the acts of nineteen hundred and thirty-eight, is hereby further extended to June thirtieth, nineteen hundred and forty-five.

SECTION 17. Wherever in chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, and acts in amendment thereof and in addition thereto, reference is made to the National Industrial Recovery Act or any title or part thereof, or to the Emergency Relief Appropriation Act of 1935, such reference shall be deemed and held to refer also to all acts and joint resolutions of Congress enacted during nineteen hundred and forty-one to nineteen hundred and forty-seven, inclusive, authorizing federal funds or federal assistance, or both, for public projects.

SECTION 18. If further federal appropriations are authorized for aiding in the construction of state projects during any of the years nineteen hundred and forty-one to nineteen hundred and forty-seven, inclusive, the emergency public works commission is hereby authorized to make applications for federal funds or federal assistance, or both, for any project for which the general court may have made an appropriation and, with the approval of the governor, to accept any such federal funds or federal assistance, or both, in the name of the commonwealth; and in relation thereto said commission shall have all the powers and duties hitherto conferred and imposed upon it by chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three and acts in amendment thereof and in addition thereto. Nothing herein shall be construed as affecting the powers and duties of the department of public works with respect to the application for and acceptance of federal funds.

SECTION 19. Section eleven of chapter four hundred and sixty of the acts of nineteen hundred and thirty-eight, inserted by section three of chapter five hundred and one of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out in the twentieth line the word "thirty" and inserting in place thereof the word: — twenty, — so that the last sentence of said section will read as follows: — Each appointive member of the commission shall receive from the commonwealth as compensation for each day's attendance at meetings of the commission, the sum of twenty dollars; provided, that the total amount paid under said section one, as amended, and under the foregoing provisions of this act to any such member shall not exceed three thousand dollars in any period of twelve months.

Approved October 30, 1941.

Chap.721 AN ACT AUTHORIZING THE RESTRICTING OF CIVIL SERVICE EXAMINATIONS IN CERTAIN CASES EITHER TO MALE PERSONS OR TO FEMALE PERSONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to save unnecessary expense to the commonwealth in connection with certain civil service examinations now open to persons of both sexes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 31,
§ 2A (c), etc.,
amended.

Clause (c) of section two A of chapter thirty-one of the General Laws, as appearing in section eleven of chapter two hundred and thirty-eight of the acts of nineteen hundred and thirty-nine, is hereby amended by inserting after the word "chapter" in the fifth line the words: — , which examinations may, in the discretion of the director and with the approval of the director of personnel and standardization in the case of positions or employments in the service of the commonwealth, and if requested in the requisition of the appointing authority of a city or town in the case of positions or employments in the service thereof, be restricted either to male persons or to female persons, — so as to read as follows: —

Restriction of
civil service
examinations
to male or
female appli-
cants.

(c) Determine and pass upon the qualifications of applicants; and hold examinations for the purpose of establishing eligible lists of persons for appointment to the classified service of the commonwealth and all cities and towns subject to the provisions of this chapter, which examinations may, in the discretion of the director and with the approval of the director of personnel and standardization in the case of positions or employments in the service of the commonwealth, and if requested in the requisition of the appointing authority of a city or town in the case of positions or employments in the service thereof, be restricted either to male persons or to female persons;

Approved October 30, 1941.

Chap.722 AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE STATUTES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.) 6, § 8,
amended.

SECTION 1. Section eight of chapter six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "appropriated" in the second line the word: — for, — and by striking out, in the second and third lines, the words "twenty-five to thirty-three" and inserting in place thereof the words: — seven-
teen to twenty-six, — so as to read as follows: — *Section 8.* An amount not exceeding one hundred thousand dollars

Extraordinary
expenses of
executive
department.

shall be appropriated for each year for carrying out sections seventeen to twenty-six, inclusive, of chapter thirty-three, for the entertainment of the president of the United States and other distinguished guests while visiting or passing through the commonwealth, for extraordinary expenses not otherwise provided for, which the governor and council may deem necessary, and for transfer, upon the recommendation of the comptroller, with the approval of the governor and council, to such appropriations as have proved insufficient.

SECTION 1A. Section forty-seven of chapter thirteen of the General Laws, inserted by section one of chapter six hundred and forty-three of the acts of the current year, is hereby amended by striking out at the end the words "eighty-one A to eighty-one Q, inclusive" and inserting in place thereof the words: — eighty-one D to eighty-one T, inclusive, of chapter one hundred and twelve.

G. L. (Ter. Ed.), 13, § 47, etc., amended.

Expenses, etc., of members of board.

SECTION 2. Section four F of chapter thirty-two of the General Laws, as most recently amended by sections two and three of chapter three hundred and seventy-nine of the acts of the current year, is hereby further amended by striking out paragraph (1) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 32, § 4F, etc., amended.

(1) If the board, upon receipt of proper proof, finds that a member died as the natural and proximate result of a personal injury sustained or a hazard undergone, at some definite time and place, while such member was engaged in the performance and within the scope of his duties and, except as provided in section four I, that the sustaining of such injury or the undergoing of such hazard occurred within two years prior to the death of such member or, if occurring earlier, was reported to the board by the member or in his behalf within ninety days after its occurrence, and that such injury or the undergoing of such hazard was not the consequence of his serious or wilful misconduct, his accumulated assessments, or, in case his death occurred after retirement for accidental disability, the sum allocable to his account in the annuity reserve fund, shall be paid to the person entitled thereto under section five A, and in addition there shall be paid to the dependents of such member, as hereinafter designated, an accidental death benefit to consist of a pension equal to one half of the annual rate of compensation received by him on the date such injuries were sustained or such hazard was undergone. The said pension shall begin as of the date of the death of said member and shall be paid —

Death arising out of, etc., employment.

Benefits payable.

(a) To the surviving husband or wife, if living together on the date of said injuries or hazard and principally dependent for support upon such member, or to the surviving wife, if, at the time of the husband's death, the board finds that the wife was living apart from him for justifiable cause or because he deserted her, so long as he or she remains unmarried; provided, that in the case of a widow of a member, who is not eligible at the time of the death of said mem-

ber, if at a subsequent date the board finds that said widow, because of changed circumstances, would be principally dependent upon her husband if he were living, such pension may thereafter be paid to her but no pension shall be paid for any period prior to the finding of the board.

(b) If there is no husband or wife surviving such member, or if the surviving husband or wife dies before each child of such member shall have attained age eighteen, or if the wife was living apart from the member for unjustifiable cause, or because of her own desertion, and is therefore ineligible for benefits, on the date of the injuries or hazard undergone, then to a legal guardian for the benefit of the surviving child or children, divided in such manner as the board shall from time to time determine, but it shall be discontinued, reduced or apportioned upon any such child attaining age eighteen, or upon the death of any such child before attaining age eighteen.

(c) If there is no husband, wife or child or children under age eighteen surviving such member, then to his totally dependent father or mother, or both, and the survivor of them, as the board in its discretion shall determine, during dependency and until remarriage of either.

G. L. (Ter.
Ed.), 32,
§ 4F, etc.,
further
amended.

SECTION 3. Said section four F is hereby further amended by striking out paragraph (2), as appearing in section one of chapter four hundred and thirty-nine of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: —

Accidental
death benefits.

(2) If there be any child or children of a member referred to in paragraph (1) hereof who are under age eighteen, or over said age and physically or mentally incapacitated from earning, an additional pension at the rate of two hundred and sixty dollars annually shall be paid for each child of such member to the child or his natural or legal guardian, during such time as such child is under age eighteen or over said age and physically or mentally incapacitated from earning.

G. L. (Ter.
Ed.), 32,
§ 31I, etc.,
amended.

SECTION 4. Section thirty-one I of chapter thirty-two of the General Laws, as amended, is hereby further amended by striking out the new subdivision added thereto by chapter three hundred and eighty-six of the acts of the current year and inserting in place thereof the following: —

Retirement
benefits for
employees of
water, etc.,
districts.

(5) (a) Any water, sewer, light, improvement or fire district, hereinafter called a district, all or part of which lies within the territory of a city or town which maintains a contributory retirement system for its employees under sections twenty-six to thirty-one H, inclusive, and a district which is located in two or more cities or towns, at least one of which has adopted said sections, may provide retirement benefits for its employees if said district shall by a vote duly recorded adopt said sections twenty-six to thirty-one H, inclusive, so far as applicable. A duly attested copy of such vote shall be filed by the clerk of the district, or person performing like duties, with the commissioner of insur-

ance within thirty days after said vote. Said commissioner shall forthwith issue to the district a certificate that said sections shall be operative as to its employees from January first or from July first, whichever first occurs, following the expiration of three months after the date of such certificate. Said commissioner shall also notify the mayor or selectmen and the retirement board of each of the cities and towns within which the district lies of the acceptance of said sections by the district and the date on which said sections will become operative therein.

(b) On the date when said sections become operative for employees of any district as set forth in paragraph (5) (a) of this section, such employees may become members of the retirement system of the city or town within whose territory the district lies, or if in more than one city or town then in the system of the largest of such cities or towns which maintains such a system. Said employees shall have all the rights and obligations provided under said sections in the same manner as if the retirement system in the city or town had become operative on said date.

(c) In any district which provides retirement benefits for its employees as herein authorized, the retirement board of the city or town in which the employees of the district become members shall, on or before the fifteenth day of January in each year, certify to the district the amount payable to the various funds of the system on account of its employees for the year beginning on the first day of January in said year, and said district shall pay to the funds of said system the sums so certified.

(d) In any district which provides retirement benefits for its employees as herein authorized, if such district has taken over or shall take over any public or quasi-public enterprise formerly operated by any political subdivision or a corporation, the employees of such enterprise shall be credited with service to it which would have been creditable service if it had been rendered to the district.

SECTION 5. Section one hundred of chapter forty-three of the General Laws, inserted by section fifteen of chapter three hundred and seventy-eight of the acts of nineteen hundred and thirty-eight, is hereby amended by striking out, in the ninth line, the words "twenty-five A and twenty-six" and inserting in place thereof the words:— eighteen and nineteen, — so as to read as follows:— *Section 100.* The mayor shall be recognized as the official head of the city for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process and by the governor for military purposes. In time of public danger or emergency, as determined by the city council, he may, with its consent, take command of the police, maintain order and enforce the laws; and he shall have all the authority and powers conferred upon mayors by sections eighteen and nineteen of chapter thirty-three. He shall be chairman of the city council and chairman of the school

G. L. (Ter. Ed.), 43, § 100, etc., amended.

Mayor to be official head of city.

committee. He shall have no power to veto but shall have the same powers as any other member of either such body to vote upon all measures coming before it. He shall perform such other duties consistent with his office and with sections ninety-three to one hundred and sixteen, inclusive, as may be imposed upon him by the city council. During the absence or disability of the mayor, or during the time such office is vacant, his duties shall be performed by the vice-chairman. In case, at any time, there shall be neither a mayor nor a vice-chairman, the member of the council senior in length of service, or, if more than one have so served, then the member senior both in age and length of service shall perform the duties of mayor until a new mayor has qualified. The mayor shall have no power of appointment, except of the employees mentioned in section twenty-five and except as provided in section one hundred and two.

G. L. (Ter. Ed.), 43, § 102, etc., amended.

Vacancies in elective bodies.

SECTION 6. Section one hundred and two of said chapter forty-three, as so inserted, is hereby amended by striking out, in the first and second lines, the words "or in section twenty-six", — so as to read as follows:— *Section 102.* Except as provided in this section, a vacancy in any elective body shall be filled in the manner provided in section thirteen of chapter fifty-four A. If, under said section, no regularly nominated candidate of the city council or school committee remains, the vacancy shall be filled for the unexpired term by a majority vote of the remaining members, except that if the remaining members fail to fill such vacancy within thirty days after they shall have been notified by the city clerk that such vacancy exists, such vacancy shall be filled by the appointment of any qualified voter of the city by the mayor, or, if there is no mayor, by the vice-chairman, or if there is no mayor or vice-chairman, by the member of the council or of the school committee, as the case may be, senior in length of service, or, if more than one have so served, then the member senior both in age and length of service.

G. L. (Ter. Ed.), 43, § 110, etc., amended.

Eligibility for elections.

SECTION 7. Section one hundred and ten of said chapter forty-three, as so inserted, is hereby amended by striking out, in the fifth line of the form of petition, the words "for nomination", — so that said form will read as follows:— Whereas (name of candidate) is a candidate for the office of (state the office), we, the undersigned, voters of the city of _____, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for said office be printed on the official ballot to be used at the regular municipal election to be held on the _____ Tuesday of _____, nineteen hundred and _____.

G. L. (Ter. Ed.), 54, § 93, etc., amended.

SECTION 8. Section ninety-three of chapter fifty-four of the General Laws, as amended by section five of chapter four hundred and four of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out, in the fourth line, the word "conclusive", — so as to read as

follows:— *Section 93.* All ballots cast under the preceding section shall be mailed or delivered, as the case may be, on or before the day of election. A postmark, if legible, shall be evidence of the time and place of mailing.

Mailing of
ballots, etc.

SECTION 9. Section two of chapter one hundred and twelve of the General Laws, as most recently amended by section thirty-seven of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out, in the fifth line, the word "twenty-three" and inserting in place thereof the words:— nine A, — so that the first sentence will read as follows:— Applications for registration as qualified physicians, signed and sworn to by the applicants, shall be made upon blanks furnished by the board of registration in medicine, herein and in sections three to nine A, inclusive, called the board.

G. L. (Ter.
Ed.), 112,
§ 2, etc.,
amended.

Registration,
etc., of
physicians.

SECTION 9A. Section two of chapter six hundred and forty-three of the acts of the current year is hereby amended by striking out so much thereof as is contained in the introductory paragraph and in subsection eighty-one A and inserting in place thereof the following:— Chapter one hundred and twelve of the General Laws is hereby amended by inserting after section eighty-one C, inserted by section three of chapter six hundred and twenty of the acts of the current year, the following seventeen new sections, under the following caption:— REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS. *Section 81D.* The following words and phrases as used in sections eighty-one D to eighty-one T, inclusive, hereinafter referred to as said sections, shall, unless the context otherwise requires, have the following meanings:— "Board", the board of registration of professional engineers and of land surveyors established by section forty-five of chapter thirteen. "Land surveying", or "practice of land surveying" shall include surveying of land for any purpose. "Professional engineer", any person who engages in the practice of professional engineering; provided, that said phrase shall not include an architect or the practice of architecture, or an engineer licensed under chapter one hundred and forty-six, nor shall registration as a professional engineer qualify a person to practice as an engineer licensed under chapter one hundred and forty-six. "Professional engineering", or "practice of professional engineering", performing, or holding one's self out as being able to perform, any engineering service in connection with the planning, design or supervision of any structure, machinery, process, project or work requiring the education, training and experience required for registration as a professional engineer or land surveyor as provided in section eighty-one J; provided, that said sections shall not prohibit employees of engineers registered under said section eighty-one J from acting under the instruction, control or supervision of their employers, nor shall said sections apply to the supervision by builders, or superin-

1941, 643,
§ 2, amended.

G. L. (Ter.
Ed.), 112,
new §§ 81D-
81T, inserted.

Certain terms
defined.

tendents employed by such builders, of buildings or structures.

G. L. (Ter. Ed.), 112, § 81L, etc., amended.

SECTION 9B. Section eighty-one L of said chapter one hundred and twelve of the General Laws, inserted by said section two, is hereby amended by striking out at the end thereof the words "eighty-one G" and inserting in place thereof the words: — eighty-one J.

G. L. (Ter. Ed.), 112, numbers of sections changed.

SECTION 9C. The numbers of sections eighty-one B to eighty-one Q, inclusive, of said chapter one hundred and twelve, inserted by said section two, are hereby respectively changed to eighty-one E to eighty-one T, inclusive.

G. L. (Ter. Ed.), 123, § 84, etc., amended.

SECTION 10. Chapter one hundred and twenty-three of the General Laws is hereby further amended by striking out section eighty-four, as most recently amended by section twenty-six of chapter four hundred and ninety of the acts of the current year, and inserting in place thereof the following:— *Section 84.* The superintendent of any state hospital for the insane, or of the McLean hospital, may receive for care and treatment any person in the military or naval service of the United States who is suffering from mental disease and cannot properly be cared for at the army post, naval station, air base or government hospital within the confines of the commonwealth where he is stationed or happens to be, upon the written application of the medical officer in charge at such army post, naval station, air base or government hospital, who shall make a full statement of the case in such form as the department prescribes. Unless otherwise ordered by the proper military or naval authority, persons received into an institution under this section may be detained therein for a period not exceeding sixty days, except that further detention, if necessary, may be authorized by the department.

Treatment of insane persons in military or naval service.

G. L. (Ter. Ed.), 132A, § 7, amended.

SECTION 11. Chapter one hundred and thirty-two A of the General Laws is hereby amended by striking out section seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 7.* The commissioner, with the approval of the governor and council, may make rules and regulations for the government and use of all property under the control of the division, including rules and regulations relative to hunting and fishing not inconsistent with the laws protecting fish, birds and mammals. Such rules and regulations may also provide for the payment of fees and other charges for the parking of vehicles and for the enjoyment of other special privileges within the territory under such control. The commissioner shall cause such rules and regulations to be posted in the territory to which they apply. The sworn certificate of the director of the division that the same have so been posted shall be prima facie evidence thereof. Violation of such a rule or regulation shall be punished by a fine not exceeding twenty dollars. The commissioner may grant concessions for the sale of refreshments and other articles and the furnishing of services within any such territory.

Rules and regulations as to use of state parks, etc.

Forest supervisors, park superintendents and laborers employed by the department, while employed in state forests, state parks or reservations shall, within the limits of said forests, parks or reservations have and exercise all the powers and duties of constables, except service of civil process, and of police officers, if so authorized in writing by the commissioner.

SECTION 12. Chapter four hundred and twenty-one of the acts of nineteen hundred and thirty-five is hereby amended by striking out section one, as most recently amended by section twenty of chapter one hundred and ninety-four of the acts of the current year, and inserting in place thereof the following section: — *Section 1.* As soon as funds become available for the construction of a state hospital for the criminal insane on land of the state prison colony at Norfolk, the commissioner of correction is hereby authorized, with the approval of the governor and council, to transfer to the department of mental health the control of so much of said land as, in the opinion of the commissioner of correction, the commissioner of mental health and the chairman of the commission on administration and finance, may be necessary for such a state hospital, or as soon as funds become available for the acquisition of other land and the construction thereon of such a state hospital, said commissioner of mental health may, with the approval of the governor and council, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such land as may be necessary for such construction.

SECTION 13. Said chapter four hundred and twenty-one is hereby further amended by striking out section two, as most recently amended by section twenty-one of said chapter one hundred and ninety-four, and inserting in place thereof the following section: — *Section 2.* Upon the acquisition of land by transfer of control, taking, purchase or otherwise under section one, there shall be constructed thereon a state hospital for the criminal insane, to be known as the Norfolk state hospital, and any funds received from the federal government may be used for such construction. Upon receipt of notification from said department that said state hospital is ready for the reception of patients, the governor shall issue his proclamation establishing said hospital and fixing a time for the opening thereof for use as a state hospital for the criminal insane. Thereupon said hospital shall be subject to all provisions of law applicable to state hospitals for the criminal insane, under the control of said department. As soon as may be after the time fixed by such proclamation, all insane criminals then confined at the Bridgewater state hospital shall be transferred to said Norfolk state hospital or to some other state hospital under the control of said department.

Approved October 30, 1941.

Chap.723 AN ACT IMPOSING CERTAIN RESTRICTIONS ON THE ISSUE OF NON-ASSESSABLE POLICIES, SO CALLED, BY MUTUAL INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Chapter seven hundred and sixteen of the acts of the current year is hereby amended by adding at the end the following new section:— *Section 6.* No mutual insurance company shall issue non-assessable policies under this act prior to April first, nineteen hundred and forty-three, unless such company, or any predecessor prior to merger or consolidation, has been actively engaged in the insurance business in one or more states of the United States continuously for ten years immediately prior to the effective date of this act.

Approved October 31, 1941.

Chap.724 AN ACT RELATIVE TO INTEREST ON CERTAIN SPECIAL ASSESSMENTS.

Emergency
preamble.

Whereas, In order to make uniform the application of the reduction in interest rates made by chapter five hundred and ninety-five of the acts of nineteen hundred and forty-one, it is necessary that this act take effect not later than the effective date of said chapter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and ninety-five of the acts of nineteen hundred and forty-one is hereby amended by adding at the end the following section:— *Section 2.* The rate of interest established by this act shall apply to assessments made on account of the cost of public improvements, except under any special act establishing the rate of interest to be charged thereon, which are committed to the collector on or after its effective date, and to such assessments and portions thereof so committed prior to said date, which are added to the annual tax for the year nineteen hundred and forty-two or for any subsequent year.

SECTION 2. This act shall take effect on the effective date of said chapter five hundred and ninety-five.

Approved October 31, 1941.

Chap.725 AN ACT PLACING UNDER THE CIVIL SERVICE CERTAIN OFFICERS AND EMPLOYEES IN THE DEPARTMENT OF PUBLIC HEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose by depriving the commonwealth of the benefit of certain federal grants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter seventeen of the General Laws is hereby amended by striking out section four, as most recently amended by section eleven of chapter five hundred and ninety-six of the acts of nineteen hundred and forty-one, and inserting in place thereof the following section:—

G. L. (Ter. Ed.), 17, § 4, etc., amended.

Section 4. There shall be in the department a division of sanatoria and such other divisions as the commissioner, with the approval of the public health council, may from time to time determine. The commissioner may appoint a director of the division of sanatoria, and, subject to the approval of the public health council, shall appoint a director to take charge of every other division, and shall prescribe the duties of such other divisions. Every such director shall be subject to chapter thirty-one.

Division in department of public health.

SECTION 2. Said chapter seventeen is hereby further amended by striking out section six, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 6.* The commissioner may, with the approval of the public health council, appoint assistant directors of divisions and epidemiologists, inspectors and other necessary employees. Persons appointed hereunder shall be subject to chapter thirty-one.

G. L. (Ter. Ed.), 17, § 6, amended.

Appointment of assistant directors of divisions, etc.

SECTION 3. Said chapter seventeen is hereby further amended by striking out section seven, as so appearing, and inserting in place thereof the following section:— *Section 7.* The commissioner, with the approval of the public health council, shall appoint a district health officer for each health district provided in section four of chapter one hundred and eleven. Such officers shall be graduates of incorporated medical schools, admitted to practice in the commonwealth, or shall have had at least five years' experience in public health duties and sanitary science, shall give their entire time to the performance of their duties, and shall be subject to chapter thirty-one.

G. L. (Ter. Ed.), 17, § 7, amended.

District health officers.

SECTION 4. The commissioner of public health shall transmit to the director of civil service a list of the officers and employees who, on the effective date of this act, are incumbents of the offices and positions made subject by this act to the civil service laws and the rules and regulations made thereunder.

SECTION 5. The director of civil service, on receipt of said list, shall forthwith proceed to give a qualifying examination to each officer and employee on such list to determine his qualifications to perform the duties of such office or position, as the case may be.

SECTION 6. If any such officer or employee fails to pass such qualifying examination, said director shall transmit to the commissioner of public health notice of the results of said examination, whereupon the services of said officer or employee shall terminate. Said director shall certify such officers and employees who pass such qualifying examina-

tion to their respective offices and positions, and they shall be deemed to be permanently appointed thereto without serving any probationary period, and their tenure of office or employment shall be unlimited, subject, however, to the civil service laws and the rules and regulations made thereunder.

Approved October 31, 1941.

Chap. 726 AN ACT RELATIVE TO APPEALS FROM THE CLASSIFICATION OF CERTAIN CORPORATIONS IN THE LISTS FURNISHED TO TOWNS AND CITIES BY THE COMMISSIONER OF CORPORATIONS AND TAXATION.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat one of its purposes, which is to avoid possible double taxation of certain corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 58A,
§ 6, etc.,
amended.

SECTION 1. Section six of chapter fifty-eight A of the General Laws, as most recently amended by section two of chapter six hundred and nine of the acts of nineteen hundred and forty-one, is hereby further amended by inserting after the word "sections" in the third line, as appearing in said section two, the word: — two, — so that the first sentence will read as follows: — The board shall have jurisdiction to decide appeals under the provisions of section forty-two E of chapter forty; of sections two, fourteen and twenty-five of chapter fifty-eight; of clauses seventeenth and twenty-second of section five of chapter fifty-nine; of sections seven, thirty-nine, sixty-four, sixty-five, sixty-five B, seventy-three and eighty-one of said chapter fifty-nine; of section two of chapter sixty A; of section forty-five of chapter sixty-two; of sections two, eighteen A, twenty-eight, fifty-one, sixty and seventy-one of chapter sixty-three; of section six of chapter sixty-four; of sections five and ten of chapter sixty-four A; of sections twenty-five and twenty-six of chapter sixty-five; of section four of chapter sixty-five A; and under any other provision of law wherein such jurisdiction is or may be expressly conferred.

Jurisdiction
of board to
decide appeals.

G. L. (Ter.
Ed.), 58, § 2,
etc., amended.

SECTION 2. Section two of chapter fifty-eight of the General Laws, as amended by section eighteen of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end the following new paragraph: —

Persons
aggrieved by
classification.

Any person aggrieved by any classification made by the commissioner under any provision of chapter fifty-nine or by any action taken by the commissioner under authority of this section may, within thirty days after the list described in this section has been forwarded to the assessors, file an application with the commissioner, on a form approved by him, stating therein the kind of classification claimed by the person. The commissioner shall, within ten days after his

decision on said application, give written notice thereof to the applicant. A person may appeal to the appellate tax board within thirty days after receiving the notice herein provided, or within thirty days after the time when the application for classification is deemed to be refused as hereinafter provided. Whenever the commissioner, before whom an application in writing for classification is or shall be pending, fails to act upon said application prior to the expiration of twenty days from the date of the filing of said application it shall then be deemed to be refused. The decision of the board shall be binding upon the parties to any proceeding pending or brought before it which involves a tax for the year to which the decision is applicable. For the purposes of this section, "person" shall include a board of assessors.

Approved October 31, 1941.

AN ACT RELATIVE TO THE FURNISHING OF WATER TO TOWNS
IN THE METROPOLITAN WATER DISTRICT AND CERTAIN
OTHER TOWNS. *Chap. 727*

Whereas, The deferred operation of this act would tend to defeat one of the principal purposes thereof, which is to make water available as soon as possible in the present condition of drouth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, on application of any town, water company or water supply, water, fire or fire and water district on or before June thirtieth, nineteen hundred and forty-three, may, with the approval of the department of public health, furnish water from its system of metropolitan water works to any such town, water company or district on payment of such sum as said commission may determine, and may continue to furnish the same notwithstanding any provision of section forty of chapter forty of the General Laws. Payment by each town, water company or district so supplied for such water shall include its fair share, as determined by said commission, of the cost of connection which may, if and as so determined, be distributed over a period not exceeding ten years.

SECTION 2. On or before February first in the year nineteen hundred and forty-two, the department of public health shall determine, in the case of each town which is not a member of, but is eligible to membership in, the metropolitan water district by reason of its location, and of each town not a member and not so eligible which is located so that it can reasonably be supplied with water from any distributing reservoir of said district, the Quabbin and Wachusett reservoirs of said district not being considered distributing reservoirs for the purposes of this act, and which has at

any time requested or been furnished a supply of water from said district, the maximum continuous rate at which the water supply sources of said town, within the meaning of section sixteen of chapter ninety-two of the General Laws, may be safely depended upon to furnish a suitable supply of water during the next succeeding three years, not including water supplied from any other town, water company or district, or water diverted from the watershed of the Charles river in excess of amounts specifically permitted by legislative provisions, or any water obtained under section forty of chapter forty of the General Laws. Coincidentally with such determination, said department shall report to the metropolitan district commission each of said towns which it finds cannot be so supplied continuously with a quantity ten per cent in excess of its average consumption during the three previous calendar years, and shall notify each of said towns of its finding with respect thereto.

SECTION 3. Any town having an established water system and the inadequacy of the water supply of which has been so reported by said department may, with the approval of said department, increase its supply of water from its own sources by taking water from authorized sources which are not already appropriated for the purposes of a public water supply; provided, that application for such approval is made on or before June thirtieth, nineteen hundred and forty-three.

SECTION 4. Any town so reported, and any town not so reported which is so located that it can reasonably be supplied with water from any distributing reservoir as defined in section two of this act, shall, upon its application therefor on or before June thirtieth, nineteen hundred and forty-three, be provided forthwith by the metropolitan water district with a connection to supply its immediate needs for water, unless already adequately connected. Each such town shall be assessed and pay, as hereinafter provided, its fair share of the cost of said connection as determined by the metropolitan district commission and certified to the state treasurer, which may, if and as determined by said commission, be distributed over a period not exceeding ten years; and each town so reported, and each town not so reported which is so provided with a connection, whether or not located within ten miles of the state house as provided in section ten of chapter ninety-two of the General Laws, shall be eligible to membership in the metropolitan water district. Any town which already has a connection with the metropolitan water system, except any such town which shall, not earlier than January sixth, nineteen hundred and forty-two nor later than the March first next following, have notified the metropolitan district commission that it desires to discontinue such connection, and any town which makes application for such connection under any provision of this act, shall annually, until it becomes a member of said dis-

trict, be assessed and pay, as hereinafter provided, a premium equal to three hundredths of one per cent of its valuation for the preceding year.

For the purposes of this act, the word "valuation" shall mean the taxable valuation last established by the general court as a basis of apportionment for state and county taxes, and the word "town" shall include city.

In order to provide funds to construct any water supply connection provided under this act, in anticipation of the payment therefor by the town to be connected, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the metropolitan district commission to be necessary to provide such temporary funds, not exceeding two hundred and fifty thousand dollars in any calendar year, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him with the approval of the governor. Such notes shall be issued for such terms as the governor may recommend to the general court in accordance with section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 5. The state treasurer shall annually notify each town, not a member of the metropolitan water district, assessed under the provisions of section four of this act, of the amount so assessed, and the same shall be paid by the town to the commonwealth at the time required for the payment of and as a part of its state tax. The proceeds from all such payments shall be used to defray the cost, in the case of each such town, of the water supply connection provided, and any balance shall be applied by the state treasurer to meet the expenses of maintenance and operation of the metropolitan water works.

SECTION 6. Any town which has applied for a water connection under this act on or before June thirtieth, nineteen hundred and forty-three, and any town heretofore eligible, or made eligible by section four of this act, for admission to the metropolitan water district which has not so made application for a water connection under this act may, upon application for admission to said district on or before said date, be admitted under and subject to the provisions of this section; provided, that said town agrees to discontinue the use of its local water supply sources upon admission. Any town admitted to the metropolitan water district shall share with the other members the total district assessment for the calendar year of its admission, except that, if it is admitted too late to be so included in the assessment for that year, it shall pay for the water furnished it by the district during the balance of that year at a rate equal to the average assessment for that year determined by dividing the aggregate total of the net assessments for that year against all mem-

bers by the aggregate total of the net quantity of water furnished by the district during the preceding year to all members. The entrance fee of any town so admitted to said district shall, regardless of any provision of section ten of chapter ninety-two of the General Laws, be that determined by the metropolitan district commission, but not more than the said entering town's proportionate share, determined as hereinafter provided, of the aggregate total assessments that have been made, prior to the first assessment to be shared by the entering town, on account of the retirement of bonds issued to finance the construction of works by the metropolitan district water supply commission, less the net water debt on December first, just prior to said first assessment shared, on account of the cost of works constructed by the metropolitan district commission, or its predecessors. Such proportionate share of the net sum to be apportioned shall be determined by taking only one third of said net sum, apportioning this among all towns which are members of the metropolitan water district and all towns which are not members but eligible to membership, including any towns eligible under section four of this act, in proportion to their respective valuations for the preceding year, and deducting from the entering town's share a credit of the aggregate total of any premiums paid annually under section four of this act, except that such entrance fee shall in no event be less than three hundredths of one per cent of the entering town's valuation for the preceding year.

SECTION 7. For the purpose of providing funds to pay the fee for being admitted to the metropolitan water district under this act, a town may borrow sums not exceeding, in the aggregate, the amount of such fee, and may issue bonds or notes therefor, which shall bear on their face the words "City [or Town] of _____ Water Loan, Act of 1941". Such loans shall be payable within thirty years from their dates or within such shorter time as may be fixed by the director of accounts in the department of corporations and taxation. Indebtedness incurred under this act shall be outside the statutory limits of indebtedness provided by chapter forty-four of the General Laws and, except as provided herein, shall be subject to all provisions of said chapter forty-four.

Approved October 31, 1941.

Chap. 728 AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS, NOTES OR OTHER FORMS OF WRITTEN ACKNOWLEDGMENT OF DEBT TO BE ISSUED BY THE COMMONWEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat one of its principal purposes, which is to prepare with the utmost expedition for national defence in the present emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter six hundred and ninety-five of the acts of the current year, authorizing the turning-over of the Boston airport, so called, to the commonwealth and providing for the improvement thereof and making certain changes in the laws relative to airports, shall be payable not earlier than July first, nineteen hundred and forty-three nor later than June thirtieth, nineteen hundred and forty-eight, and their maturities shall be so arranged that the payments of principal on account of such bonds in each of the five fiscal years of the five-year period ending June thirtieth, nineteen hundred and forty-eight will be equal as nearly as may be, as recommended by the governor in a message to the general court dated October twenty-fourth, nineteen hundred and forty-one, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section five of chapter forty-nine of the acts of nineteen hundred and thirty-three, as most recently amended by section two of chapter one hundred and twenty-nine of the acts of the current year, shall be issued for maximum terms of years to expire not later than November thirtieth, nineteen hundred and forty-seven, as recommended by the governor in a message to the general court, dated October thirtieth, nineteen hundred and forty-one, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter seven hundred and fourteen of the acts of the current year, authorizing the department of public works to acquire certain waterfront properties in the city of Boston, to construct a pier thereon and to lease the same, shall be issued on the serial payment plan for terms not exceeding five years, the first maturity to be not earlier than July first, nineteen hundred and forty-three and all maturities to be so arranged that the amount payable each year other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them, as recommended by the governor in a message to the general court dated October thirtieth, nineteen hundred and forty-one, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds, notes or other forms of written acknowledgment of debt which the state treasurer is authorized to issue under section nine of chapter seven hundred

and twenty of the acts of the current year, further providing for sewage disposal needs of the north and south metropolitan sewerage districts and communities which now or hereafter may be included in said districts and extending the life of the emergency public works commission, shall be issued for terms not exceeding twenty years from their dates of issue, and the notes which said treasurer is authorized to issue under section eleven of said chapter shall be issued for terms not exceeding one year from their dates of issue, as recommended by the governor in a message to the general court dated October thirtieth, nineteen hundred and forty-one, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, any notes which the state treasurer is authorized to issue under section four of chapter seven hundred and twenty-seven of the acts of the current year, relative to the furnishing of water to towns in the metropolitan water district and certain other towns, shall be issued for terms not exceeding two years from their dates of issue, as recommended by the governor in a message to the general court dated October thirty-first, nineteen hundred and forty-one, in pursuance of section 3 of Article LXII of the amendments to the constitution of the commonwealth.

Approved October 31, 1941.

Chap. 729 AN ACT ESTABLISHING AN OLD AGE ASSISTANCE FUND AND MAKING CERTAIN MISCELLANEOUS CHANGES IN THE OLD AGE ASSISTANCE LAW, SO CALLED.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay a method of obtaining additional revenue required to finance the increased amounts of old age assistance, so called, authorized thereby, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 118A,
§ 1, etc.,
amended.

Old age
assistance,
qualifications
for.

SECTION 1. Chapter one hundred and eighteen A of the General Laws is hereby amended by striking out section one, as most recently amended by chapter two hundred and seventy-four of the acts of nineteen hundred and thirty-eight, and inserting in place thereof the following: — *Section 1.* Adequate assistance to deserving citizens in need of relief and support sixty-five years of age or over who shall have resided in the commonwealth not less than three years during the nine years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under the supervision of the department of public welfare, in this chapter called the department. Financial assistance granted

hereunder shall be given from the date of application therefor, but in no event before the applicant reaches the age of sixty-five, and in determining the amount of assistance to be given for any period preceding the date on which the application was favorably passed upon, consideration shall be given to the amount of welfare relief, if any, given to such applicant during said period under any other provision of law. Such assistance shall, wherever practicable, be given to the aged person in his own home or in lodgings or in a boarding home, which for the purposes hereof shall include any institution providing shelter, care and treatment for aged persons which is not supported in whole or in part by public funds; provided, that no inmate of such a boarding home or institution shall be eligible for assistance under this chapter while being cared for under a contract; and provided, further, that for the purposes of this chapter any person who, while such an inmate, has lost his settlement or who shall lose his settlement at the time of admission to such home or institution shall be deemed to have no settlement in the commonwealth. Such assistance shall be paid by check or in cash, which shall be delivered to the applicant at his residence, if he so requests, and shall be paid semi-monthly unless the applicant prefers less frequent payments. Such assistance, except as hereinafter provided, shall be at the following rates:

In the case of an individual living within a family group not less than thirty dollars monthly; in the case of an individual living outside a family group not less than forty dollars monthly; in the case of a husband and wife living together within a family group, both of whom are eligible for such assistance, not less than fifty dollars monthly for both; in the case of a husband and wife living together outside a family group, both of whom are so eligible, not less than sixty-five dollars monthly for both; in the case of sisters or brothers or sisters and brothers living together within a family group, all of whom are so eligible, not less than fifty dollars monthly for two and not less than fifteen dollars monthly for each additional brother or sister so eligible; or in the case of sisters or brothers or sisters and brothers living together outside a family group, all of whom are so eligible, not less than sixty-five dollars monthly for two and not less than fifteen dollars monthly for each additional brother or sister so eligible. The determination as to what constitutes a family group under the provisions of this section shall be made in accordance with rules and regulations established by the department, authority to establish the same being hereby granted. In computing the aforesaid minima the local board of public welfare, or the department acting on cases appealed, as the case may be, shall, in accordance with rules and regulations made by the department, deduct therefrom the amount of income the person assisted or to be assisted may be receiving from any source whatsoever, and may deduct therefrom such reasonable

amount as may be deemed to represent the financial value of board, lodging or other assistance which is being furnished to such person from any source whatever.

G. L. (Ter.
Ed.), 118A,
§ 2, etc.,
amended.

Bureau of
old age
assistance.

SECTION 2. Said chapter one hundred and eighteen A is hereby further amended by striking out section two, as most recently amended by section one of chapter five hundred and ninety-seven of the acts of the current year, and inserting in place thereof the following: — *Section 2.* Each board of public welfare shall, for the purpose of granting adequate assistance and service to such aged persons, establish a division thereof to be designated as the bureau of old age assistance. Boards of public welfare and bureaus of old age assistance in performing the duties imposed upon them and in exercising the powers granted to them under this chapter shall be subject to the supervision of the department and shall comply with all rules and regulations adopted by the department pursuant to the provisions of this chapter, and no city or town shall receive reimbursement from the commonwealth under this chapter with respect to any case unless the department determines that the provisions of this chapter relative to the minima provided in section one have been complied with by such city or town with respect to such case. No printed or written words referring to boards or departments of public welfare shall appear on any envelope mailed or delivered to an applicant for, or recipient of, assistance under this chapter. In determining the need for financial assistance, said bureaus shall give consideration to the resources of the aged person. No action shall be brought under sections twenty to twenty-two, inclusive, of chapter two hundred and seventy-three by a board of public welfare in connection with the granting of assistance under this chapter except with the approval of the department. Not later than fourteen days from the initial payment to applicants, notice on a form prescribed by the department shall be forwarded to the department, stating in each case any and all deductions from the amounts of assistance prescribed herein and the reasons for all such deductions. If said deductions in a particular case are not approved by the department they shall not be made in subsequent payments in said case and the amount of deductions made in such initial payment shall be added to the amount of the next succeeding payment. Separate records of all such aged persons who are assisted shall be kept and reports returned in the manner prescribed by section thirty-four of chapter forty-one and by sections thirty-two and thirty-three of chapter one hundred and seventeen. The department shall make an annual report, and also such reports to the social security board established under the federal social security act, approved August fourteenth, nineteen hundred and thirty-five, as may be necessary to secure to the commonwealth the benefits of said act.

SECTION 3. Said chapter one hundred and eighteen A is hereby further amended by inserting after said section two

G. L. (Ter.
Ed.), 118A,
new § 2A,
inserted.

the following new section:— *Section 2A.* In determining the resources of an aged person under section two the following schedule relative to the financial ability to support by a child of such person shall be followed:— 1. If such child is married and living with his or her spouse and one minor son or daughter but living apart from the aged person, such child shall not be required to contribute to the support of such aged person unless such child is in receipt of income in excess of two thousand dollars annually or in excess of the equivalent of two thousand dollars annually. 2. If such child is married and living with his or her spouse and two minor sons or daughters but living apart from the aged person, such child shall not be required to contribute to the support of such aged person unless such child is in receipt of income in excess of twenty-five hundred dollars annually or in excess of the equivalent of twenty-five hundred dollars annually. 3. If such child is married and living with his or her spouse and three minor sons or daughters but living apart from the aged person, such child shall not be required to contribute to the support of such aged person unless such child is in receipt of income in excess of three thousand dollars annually or in excess of the equivalent of three thousand dollars annually. 4. In any case where the income of such a child is between two thousand and three thousand dollars annually, in money or its equivalent, any unusual circumstances within the immediate family shall be considered with a view to determining whether such circumstances justify an exemption from the general rule relative to persons coming within such class. 5. If a child of such an aged person is in receipt of an annual income in excess of three thousand dollars, in money or its equivalent, whether or not such child shall be required to contribute to the support of the aged person shall be determined in each instance upon the merits of that particular case. 6. No unmarried child of such an aged person, living apart from such aged person and in receipt of an annual income not in excess of one thousand dollars, in money or its equivalent, shall be required to contribute to the support of such aged person.

Determination
of resources of
aged persons.

SECTION 4. Section four of said chapter one hundred and eighteen A, as most recently amended by chapter four hundred and sixty-seven of the acts of nineteen hundred and thirty-eight, is hereby further amended by inserting after the word "exceeds" in the sixth line the words:— an average of, — by striking out, in the seventh line, the words "in each of" and inserting in place thereof the word:— during, — by striking out, in the twelfth line, the words "at least", — and by striking out the last sentence and inserting in place thereof the following:— The proceeds realized by the town from any such bond and mortgage shall be apportioned among the federal government, the commonwealth and the town furnishing the assistance in proportion to the amount of their respective contributions, but in no case for more

G. L. (Ter.
Ed.), 118A,
§ 4, etc.,
amended.

Ownership of property not to disqualify applicants.

than the amount contributed without interest, — so as to read as follows:— *Section 4.* The ownership of an equity in vacant land from which no income is derived or in real estate upon which an applicant actually resides shall not disqualify him from receiving assistance under this chapter; provided, that if such equity, computed on the basis of assessed valuation, exceeds an average of three thousand dollars during the five years immediately preceding his application, the board of public welfare of the town rendering such assistance, or the bureau of old age assistance established by such board, shall, through the appropriate town official, require such applicant to execute a bond in a penal sum equal to the amount of the equity in excess of three thousand dollars, running to the treasurer of the town, conditioned on repayment to such town of all amounts of such assistance, without interest, such bond to be secured by mortgage of the applicant's real estate. Every such bond and mortgage shall be forthwith entered for record in the proper registry of deeds or registry district of the land court, as the case may be, and the register of deeds or assistant recorder of the land court shall thereupon record or register such bond and mortgage without fee. The proceeds realized by the town from any such bond and mortgage shall be apportioned among the federal government, the commonwealth and the town furnishing the assistance in proportion to the amount of their respective contributions, but in no case for more than the amount contributed without interest.

G. L. (Ter. Ed.), 118A, new § 4A, inserted.

Liability for expenses incurred for care of aged.

SECTION 5. Said chapter one hundred and eighteen A is hereby further amended by inserting after said section four the following new section:— *Section 4A.* A person, his executor or administrator shall be liable in contract to any town for expenses incurred by it for assistance rendered to such person under this chapter if such person or his estate is in possession of funds not otherwise exempted thereunder. No action shall be brought under this section in behalf of a town except with the written approval of the department.

G. L. (Ter. Ed.), 118A, § 5, etc., amended.

SECTION 6. Section five of said chapter one hundred and eighteen A, as most recently amended by chapter four hundred and eight of the acts of nineteen hundred and thirty-eight, is hereby further amended by striking out, in the sixth to the eighth lines, inclusive, the words “, if such policy has been in effect not less than five years prior to the date of his application”, — and by striking out, in the ninth line, the word “on” and inserting in place thereof the word: — in, — so as to read as follows:— *Section 5.* The ownership of a policy of insurance of the type known as group insurance, for which the weekly premium does not exceed fifty cents per week, or of a policy of insurance in an amount not exceeding one thousand dollars, shall not disqualify an applicant from receiving assistance under this chapter, nor shall a policy of insurance in an amount not exceeding three thousand dollars and having in any case a cash surrender

Policies of group insurance not to disqualify applicants.

value not in excess of three hundred dollars disqualify an applicant from receiving such assistance if such policy has been in effect not less than fifteen years prior to the date of his application. The words "policy of insurance", as used in this section, shall include a benefit certificate.

SECTION 7. Section six A of said chapter one hundred and eighteen A, inserted by chapter one hundred and sixty-five of the acts of nineteen hundred and thirty-seven, is hereby amended by striking out, in the third line, the words "thirty days" and inserting in place thereof the words: — three months, — and by adding at the end the following: — ; and provided, further, that the department may by rule or regulation provide that persons absent from the commonwealth for such longer periods as the department may prescribe may continue to receive assistance under this chapter in cases where the suspension of such assistance would result in undue hardship or, in the opinion of the department, would be inconsistent with the purposes of this chapter, — so as to read as follows: — *Section 6A.* Any person receiving assistance under this chapter may be absent from the commonwealth for not exceeding three months in any year without having such assistance suspended; provided, that such person, before his departure from the commonwealth and following his return thereto, notifies the bureau of old age assistance of the town granting such assistance; and provided, further, that the department may by rule or regulation provide that persons absent from the commonwealth for such longer periods as the department may prescribe may continue to receive assistance under this chapter in cases where the suspension of such assistance would result in undue hardship or, in the opinion of the department, would be inconsistent with the purposes of this chapter.

G. L. (Ter. Ed.), 118A, § 6A, etc., amended.

Absence from commonwealth of recipients of old age assistance.

SECTION 8. Section eight of said chapter one hundred and eighteen A, as appearing in section one of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out all after the word "on" in the thirteenth line and inserting in place thereof the following: — forms prescribed by the department, and, if rendered as aforesaid, approved by the department and certified by the comptroller, but not otherwise, shall be paid by the commonwealth. Failure to comply with the rules and regulations of the department shall be cause for disapproval of any account, — so as to read as follows: — *Section 8.* Any town rendering assistance under this chapter shall also be reimbursed by the commonwealth for two thirds of the remainder of such disbursements or for all of such remainder if the person so assisted has no settlement in the commonwealth. If the person so assisted has a legal settlement in another town, one third of the remainder of the amount of assistance given such person may be recovered in contract against the town liable therefor in accordance with chapter one hundred and seventeen. All accounts

G. L. (Ter. Ed.), 118A, § 8, etc., amended.

Reimbursement of towns for rendering old age assistance.

against the commonwealth for allowances to towns on account of moneys paid for which they are entitled to reimbursement by the commonwealth hereunder shall be rendered to the department on forms prescribed by the department, and, if rendered as aforesaid, approved by the department and certified by the comptroller, but not otherwise, shall be paid by the commonwealth. Failure to comply with the rules and regulations of the department shall be cause for disapproval of any account.

Additional
taxes for old
age assistance.

SECTION 9. There is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, taxes levied under the provisions of section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three, as amended, and taxes levied under the provisions of sections thirty to sixty, inclusive, of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, an additional tax equal to three per cent of the taxes assessed under the provisions of said sections, acts and chapters in or on account of the calendar year nineteen hundred and forty-two and each calendar year thereafter. All provisions of law relative to the assessment, payment, collection and abatement of the said taxes shall apply to the taxes imposed by this section. The tax under this section shall be in addition to any surtax imposed by chapter four hundred and sixteen of the acts of nineteen hundred and forty-one. The proceeds of taxes assessed under this section shall be paid over to the old age assistance fund established by section eleven of chapter one hundred and eighteen A of the General Laws.

Same subject.
Legacy and
succession
taxes.

SECTION 9A. All property subject to a legacy and succession tax under the provisions of chapter sixty-five of the General Laws, as appearing in the Tercentenary Edition, and of any amendments thereof or additions thereto, shall be subject to an additional tax of three per cent of all taxes imposed by said provisions with respect to property or interests therein passing or accruing upon the death of persons who die in the calendar year nineteen hundred and forty-two or in any calendar year thereafter. All provisions of law relative to the determination, certification, payment, collection and abatement of such legacy and succession taxes shall apply to the additional tax imposed by this section. The tax under this section shall be in addition to any surtax imposed by chapter four hundred and sixteen of the acts of nineteen hundred and forty-one. The proceeds of taxes assessed under this section shall be paid over to the old age assistance fund established by section eleven of chapter one hundred and eighteen A of the General Laws.

G. L. (Ter.
Ed.), 118A,
new § 11,
added.

SECTION 10. Chapter one hundred and eighteen A of the General Laws is hereby amended by adding after section ten, as appearing in section one of chapter four hundred

and thirty-six of the acts of nineteen hundred and thirty-six, the following new section: — *Section 11.* There shall be established and set up on the books of the commonwealth a separate fund, to be known as the old age assistance fund, consisting of receipts credited to said fund under chapter sixty-four B, section fifteen of chapter one hundred and twenty-eight A and section twenty-seven of chapter one hundred and thirty-eight. Said fund shall be used for the reimbursement of cities and towns by the commonwealth for assistance given to aged persons under the provisions of this chapter, and shall be used for expenses incurred by the department of public welfare for administration and supervision of such assistance.

Old age
assistance
fund.

SECTION 11. Section twenty-five of chapter fifty-eight of the General Laws, as most recently amended by section seventeen of chapter four hundred and fifty-one of the acts of nineteen hundred and thirty-nine, is hereby further amended by striking out the first sentence and inserting in place thereof the following: — The commissioner shall ascertain and determine the amount due to each town under sections twenty, twenty-four and twenty-four A of this chapter and under section eleven of chapter one hundred and eighteen A, notify the treasurer of each town thereof, and certify the amount as determined to the state treasurer, who shall thereupon pay the same.

G. L. (Ter.
Ed.), 58,
§ 25, etc.,
amended.

Amounts
due to cities
and towns.

SECTION 12. Chapter one hundred and twenty-eight A of the General Laws is hereby amended by striking out section fifteen, as amended by section two of chapter four hundred and thirty-six of the acts of nineteen hundred and thirty-six, and inserting in place thereof the following: — *Section 15.* The receipts paid into the state treasury under this chapter, after deducting therefrom the amount of expenses incurred by the commission in carrying out the provisions of this chapter, shall be credited to the old age assistance fund established under section eleven of chapter one hundred and eighteen A.

G. L. (Ter.
Ed.), 128A,
§ 15, etc.,
amended.

Receipts paid
to old age
assistance
fund.

SECTION 13. Chapter one hundred and thirty-eight of the General Laws is hereby amended by striking out section twenty-seven, as most recently amended by chapter four hundred and thirty-eight of the acts of nineteen hundred and thirty-six, and inserting the following in place thereof: — *Section 27.* All fees for licenses and permits authorized to be granted by the commission under this chapter and all moneys payable under section twenty-one shall be paid into the state treasury and, after deducting therefrom the expenses of the commission, shall be credited to the old age assistance fund established under section eleven of chapter one hundred and eighteen A. All fees for licenses and permits authorized to be granted by the local licensing authorities under this chapter shall be paid into the treasuries of their respective cities and towns.

G. L. (Ter.
Ed.), 138,
§ 27, etc.,
amended.

Revenue from
sales of alco-
holic beverages,
distribution of.

SECTION 14. All bonds, and the mortgages securing the same, executed under section four of chapter one hundred

Discharge of
certain bonds
and mortgages.

and eighteen A of the General Laws, by certain recipients of old age assistance owning an equity in real estate shall be discharged by the appropriate city or town official if the amount of the real estate equity owned by such recipient who executed such bond and mortgage does not exceed three thousand dollars.

Effective
dates of act.

SECTION 15. This section and sections six and sixteen of this act, and so much of section seventeen thereof as relates to preparation for the levying of the tax referred to in chapter sixty-four B of the General Laws, inserted by this act, shall take effect at the earliest time that this act may take effect conformably to the constitution; sections one to five, inclusive, and sections seven and eight thereof shall take effect on April thirtieth, nineteen hundred and forty-two, and all other provisions of this act shall take effect on January first, nineteen hundred and forty-two.

Investigation
and study of
old age assist-
ance.

SECTION 16. The commissioner of public welfare is hereby authorized and directed to make a comprehensive investigation and study of the administration of the old age assistance law, so called, and in the course thereof to make a study of the benefits received by recipients of old age assistance. He shall give special consideration to the advisability of establishing a mandatory state budgetary system, so called, for use in the administration of said law. For the purposes of this section he may expend such sum, not exceeding twenty-five thousand dollars, as may hereafter be appropriated. He shall report to the general court the results of his investigation and study hereunder and his recommendations, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December, nineteen hundred and forty-two.

G. L. (Ter.
Ed.), new
chapter 64B,
inserted.

SECTION 17. The General Laws are hereby amended by inserting after chapter sixty-four A the following new chapter:—

CHAPTER 64B.

EXCISE UPON CHARGES FOR MEALS SERVED TO THE PUBLIC.

Definitions.

Section 1. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

“Person”, an individual, a partnership, society, association, joint stock company, corporation and any combination of individuals, and shall include fiduciaries and receivers.

“Taxable charge”, any amount including cover and other charges, for which the purchaser is charged as a total one dollar or more, charged for meals furnished at any restaurant, eating house, hotel, drug store, club, resort or other place at which meals or food are regularly served to the public.

“Taxpayer”, any person making a taxable charge.

Tax on meals,
etc.

Section 2. There is hereby levied and there shall be collected and paid a tax equivalent to five per cent of the

amount charged for all meals, including cover and other charges, if any, for which the purchaser is charged as a total one dollar or more, furnished at any restaurant, eating house, hotel, drug store, club, resort or other place at which meals or food are regularly served to the public. The commissioner shall prescribe the method of determining the portion of an entire charge which is applicable to meals in the event that such entire charge is in part for meals and in part for lodging or any other item or service. The excise shall be paid by the taxpayer to the commissioner at the time and in the manner hereinafter provided.

Section 3. Every taxpayer shall register with the commissioner and pay to him the sum of one dollar, upon receipt of which the commissioner shall issue a numbered identification certificate in such form as he may determine, attesting that such registration has been made. The certificate so issued shall remain in effect so long as the taxpayer is engaged in the business of serving meals to the public and has complied with the provisions of this chapter. No taxpayer shall on and after January first, nineteen hundred and forty-two, engage in serving meals to the public without such registration certificate. Violation of any provision of this section shall be punishable by a fine of not less than two hundred nor more than five hundred dollars.

Taxpayers' identification certificates, issuance of, etc.

Section 4. Every taxpayer shall keep such records of taxable charges and in such form as the commissioner may require. Such records shall be offered for inspection and examination at any time upon demand by the commissioner or his duly authorized agent or employee and shall be preserved for a period of three years; provided, that the commissioner may consent to their destruction within that period or may require that they be kept longer.

Taxpayers to keep records.

Section 5. Every taxpayer shall file with the commissioner a return of his taxable charges for each calendar month. Every such return shall be filed within ten days after the expiration of the period covered thereby; provided, that the commissioner may extend the time for filing. The form of return hereunder shall be prescribed by the commissioner and shall contain such information as he may deem necessary for the proper administration of this chapter.

Taxpayers to file returns.

Section 6. At the time of the filing of any return required under section five the taxpayer shall pay to the commissioner the excise imposed by this chapter for the period covered by such return. The excise for the period for which a return is required to be filed shall be due and payable on the date determined for the filing of the return for such period, without regard to whether the return is filed or whether the return which is filed correctly shows the amount of tax due. A taxpayer failing to pay the excise assessed by the commissioner under this chapter shall pay interest at the rate of six per cent per annum from the time when such excise was payable until paid, if such payment is made before the commencement of proceedings for the recovery thereof, and

Payment of taxes.
Penalty for failure.

twelve per cent if made after the commencement thereof. The commissioner shall have for the collection of this excise all the remedies which are provided in chapters sixty-two and sixty-three for the collection of income and corporation taxes. Any taxpayer shall file with the commissioner, if so required by him at any time, a bond, running to the commonwealth, in a penal sum determined, and in a form approved, by the commissioner, executed by such taxpayer and by a surety company authorized to do business in the commonwealth as surety, and conditioned upon the payment of any excise or penalties due or which may become due from such taxpayer under this chapter.

Failure to
file returns.

Section 7. If a taxpayer, having failed to file a return or, having filed an incorrect or insufficient return, without reasonable excuse fails to file an original or corrected return, as the case may require, within twenty days after the giving of notice to him by the commissioner of his delinquency, the commissioner, at any time within three years from the date when the return should have been filed, shall determine the amount due. The taxpayer, within ten days after the expiration of said period of twenty days may appeal from the decision of the commissioner to the appellate tax board, whose decision shall be final. The commissioner or, in the case of appeal, the appellate tax board, having made such determination, shall give notice to the delinquent taxpayer of the amount determined to be due, and the taxpayer shall forthwith after the giving of such notice pay to the commissioner the amount so determined with interest at six per cent from the time when the original correct return should have been filed.

Same subject.
Penalty.

Section 8. A taxpayer who fails to file a return required by this chapter when due shall forfeit to the commonwealth and shall pay to the commissioner on demand the sum of five dollars for each day of delay after written notice by the commissioner of such failure. The commissioner may remit the whole or any part of said penalty.

Penalty.

Section 9. A taxpayer who violates any provision of this chapter for which no other penalty is provided, or who files a false return, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Sums, etc., to
be credited
to old age
assistance
fund.

Section 10. All sums received under this chapter as excise, penalties or forfeitures, interest, costs of suit and fines shall be paid into the treasury of the commonwealth and shall be credited to the old age assistance fund established under section eleven of chapter one hundred and eighteen A; provided, that one third of the sums received under this chapter shall be distributed to cities and towns on a basis determined by the commissioner of public welfare and the commissioner of corporations and taxation, to be applied only to meet their share of assistance furnished under chapter one hundred and eighteen A.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, October 30, 1941, and, in concurrence, by the Senate, October 30, 1941, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT FURTHER IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES. Chap.730

Be it enacted, etc., as follows:

SECTION 1. To provide further for supplementing certain items in the general appropriation act, and for certain new activities, the sums set forth in section two, for the particular purposes and subject to the conditions stated therein, are hereby appropriated from the general fund or ordinary revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and forty-one, and for the fiscal year ending November thirtieth, nineteen hundred and forty-two, or for such other period as may be specified.

SECTION 2.

Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
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Item

Service of the Legislative Department.

0101-04	For the compensation for travel of representatives for the year nineteen hundred and forty-one and for expense allowance for the year nineteen hundred and forty-two, to be in addition to any amount heretofore appropriated for the purpose	\$798 00
0101-23	For additional travel allowance for the members of the general court, and for additional compensation and additional travel allowance for certain officers and employees of the general court, in consideration of the extraordinary duration of the current session of the general court, in accordance with the terms of a certain order, adopted by the senate on October twenty-fourth of the present year and by the house on October twenty-eighth of the present year	56,756 90
0102-01	For traveling and such other expenses of the present general court as may be authorized by order of either branch of the gen-	

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	eral court, to be in addition to any amount heretofore appropriated for the purpose . . .	\$200 00	-
0102-04	For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than one permanent position, to be in addition to any amount heretofore appropriated for the purpose . . .	750 00	-
0102-19	For expenses of the committees of the senate and house for the purpose of representing the senate and house in the Evacuation Day parade at South Boston in the year nineteen hundred and forty-two; provided, that not more than fifty dollars shall be allowed for each of said committees . . .	-	\$100 00
0102-20	For expenses of the committees of the senate and house for the purpose of representing the senate and house at the celebration to be held in Charlestown on June seventeenth, nineteen hundred and forty-two; provided, that not more than fifty dollars shall be allowed for each of said committees . . .	-	100 00
0102-22	For expenses of the committees of the senate and house for the purpose of representing the senate and house in the Dorchester Day parade at Dorchester on the first Saturday in June, nineteen hundred and forty-two; provided, that not more than fifty dollars shall be allowed for each of said committees . . .	-	100 00

Service of Legislative Investigations.

0227	For an investigation of the laws relating to primaries and elections, for the publication of certain reports, and related matters, as authorized by chapter seventy-four of the resolves of the present year . . .	1,500 00	-
0228	For an investigation relative to certain problems arising from the holding of property in the commonwealth for public purposes, and relative to other matters, as authorized by chapter eighty of the resolves of the present year . . .	500 00	-
0229	For an investigation relative to providing for the licensing and regulation of the business of financing insurance premiums and of buying conditional sales agreements		

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	or lease agreements, to the laws pertaining to instalment and conditional sales of personal property, and related matters, as authorized by chapter eighty-two of the resolves of the present year . . .	\$2,500 00	-
0230	For an investigation and study relative to intergovernmental relations and the laws relating thereto, as authorized by chapter eighty-four of the resolves of the present year . . .	2,500 00	-
0231	For an investigation and study by the committee on the judiciary relative to the district court system of the commonwealth, as authorized by chapter ninety-two of the resolves of the present year . . .	300 00	-
0232	For an investigation and study of the legislative system and procedure of the commonwealth, as authorized by chapter ninety-five of the resolves of the present year . . .	1,500 00	-
0233	For an investigation and study relative to the revenue of the commonwealth from horse and dog racing, as authorized by chapter ninety-six of the resolves of the present year . . .	2,000 00	-

Service of the Judicial Department.

Justices of District Courts:			
0302-11	For compensation of justices of district courts while sitting in the superior court . . .	-	\$18,500 00
0302-12	For expenses of justices of district courts while sitting in the superior court . . .	-	1,900 00
0302-13	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court . . .	-	6,000 00

Judicial Council:

The unexpended balance of the appropriation for the fiscal year nineteen hundred and forty-one authorized by Item 0303-01 of section two of chapter four hundred and nineteen of the acts of the present year is hereby made available for expenditure for the same purposes in the fiscal year nineteen hundred and forty-two.

Administrative Committee of District Courts:

0304-01	For compensation and expenses of the administrative committee of		
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Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
district courts, to be in addition to any amount heretofore appropriated for the purpose . . .	-	\$750 00
District Attorneys:		
0310-05 For the salaries of the district attorney and assistants for the southern district, including not more than four permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$950 00	2,500 00

Service of the Organized Militia.

The unexpended balance of the appropriation for the fiscal year nineteen hundred and forty-one authorized by Item 0403-05 of chapter four hundred and nineteen of the acts of the present year is hereby made available for expenditure for the same purposes in the fiscal year nineteen hundred and forty-two.

Service of the Executive Department.

Item 0401-40 of section two of chapter six hundred and eighty-three of the acts of the present year is hereby amended by adding at the end of the first paragraph the following: ", and an additional sum of one hundred thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-two contained in Item 2420-00 of said chapter four hundred and nineteen."

Service of the Soldiers' Home in Massachusetts.

0430-00 The expenditure of a sum not to exceed thirteen thousand dollars in the fiscal year 1941, for additional maintenance at the Soldiers' Home, being the deficit in said fiscal year referred to in the report of the Commission on Administration and Finance, to the committee on Ways and Means on the part of the House, dated October 22, 1941, is hereby authorized; provided, that such sum shall be taken from Item 0401-24 of Chapter 419 of the Acts of the present year.

Item	Appropriation	
	Fiscal Year 1941.	Fiscal Year 1942.

Service of the Commission on Administration and Finance.

The sum of three thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-two authorized by Item 0415-04 of section two of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year authorized by Item 0415-05 of said section two of said chapter four hundred and nineteen.

For Expenses on Account of Wars.

0441-09	For expenses of the national convention of the Yankee Division Veterans' Association, as authorized by chapter eighty-one of the resolves of the present year	-	\$3,000 00
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Service of the Massachusetts Aeronautics Commission.

0442-01	For personal services of employees, including not more than three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	\$250 00	-
0442-02	For administrative expenses, including consultants' services, officerent and other incidental expenses, to be in addition to any amount heretofore appropriated for the purpose	-	750 00

Service of the Governor's Committee on Public Safety.

Item 0450-01 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by inserting after the word "safety" in line three the words " , and any unexpended balance remaining at the end of either of the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two shall be available for expenditure for the same purposes in the following year".

Service of the Secretary of the Commonwealth.

The unexpended balance of the appropriation for the fiscal year nineteen hundred and forty-one authorized by Item 0501-03 of section two of chapter four hundred and nineteen of the acts of the present year is hereby made

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	available for expenditure for the same purposes in the fiscal year nineteen hundred and forty-two.		
	For printing laws, etc.:		
0503-02	For the printing of reports of decisions of the supreme judicial court, to be in addition to any unexpended balance of appropriations made for the purpose in preceding years	-	\$10,073 94
<i>Service of the State Emergency Public Works Commission.</i>			
0606-01	For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by any acts or joint resolutions of congress authorizing loans, grants and contributions of federal money for public projects, including not more than seven permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	12,310 00
<i>Service of the Department of Agriculture.</i>			
	Milk Control Board:		
0906-01	For personal services of members of the board and their employees for the fiscal year nineteen hundred and forty-two, including not more than fifty-three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	102,660 00
	Item 0906-02 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by striking out the words "For other administrative expenses of the board, including office expenses, rent, travel and special services, and including not more than two permanent positions; provided, that the appropriation herein authorized for the year nineteen hundred and forty-two shall be only for administrative expenses, including personal services, relative to the licensing and bonding of milk dealers", and inserting in place thereof the words "For other administrative expenses of the board, including office expenses, rent, travel, and special services, and including not more than two permanent positions for the fiscal		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
0906-02 For other administrative expenses of the board, including office expenses, rent, travel, and special services, and including not more than two permanent positions for the fiscal year nineteen hundred and forty-one, to be in addition to any amount heretofore appropriated for the purpose	-	\$53,220 00
0906-03 For expenses in connection with certain activities conducted in co-operation with the federal government, as authorized by section twenty-three of chapter six hundred and ninety-one of the acts of the present year	-	20,000 00
<i>Service of the Department of Conservation.</i>		
1002-16 For reimbursement of certain towns for part of the cost of certain forest fire patrol, as authorized by chapter six hundred and eighty-eight of the acts of the present year	-	3,000 00
Special:		
1002-53 For the purchase and installation of certain two-way radio equipment in the forest fire radio communication system; provided, that no payment shall be made or obligation incurred under authority of this appropriation until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make	\$15,500 00	-
Division of Wild Life Research and Management:		
1004-52 For other expenses, to be in addition to any amount heretofore appropriated for the purpose	200 00	700 00
Item 1004-53 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by striking out the words "For expenses of establishing and conducting co-operative wild life restoration projects, as authorized by chapter three hundred and ninety-two of the acts of nineteen hundred and thirty-eight, and federal funds received as reimbursements under this item are to be credited to the General Fund as income of the division of fisheries and		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<p>game", and inserting in place thereof the words "For expenses of establishing and conducting co-operative wild life restoration projects, as authorized by chapter three hundred and ninety-two of the acts of nineteen hundred and thirty-eight, including not more than two permanent positions which shall terminate forthwith upon the exhaustion of federal funds allocated to the reimbursement of seventy-five per cent of the salaries of said positions, and any unexpended balance remaining at the end of either of the fiscal years nineteen hundred and forty-one and nineteen hundred and forty-two may be used in the succeeding year; provided, that federal funds received as reimbursements under this item are to be credited to the General Fund as income of the division of fisheries and game."</p>		

Service of the Department of Corporations and Taxation.

The following two items shall be payable from amounts collected under Chapter 64B of the General Laws:

1201-21	Excise upon charges for meals: For personal services of the director, assistant director, and other necessary employees for the administration of a new excise on meals, including not more than thirty-two permanent positions, as authorized by a certain act of the present year	\$4,000 00	\$47,000 00
1201-22	For expenses other than personal services for the administration of a new excise on meals, as authorized by a certain act of the present year	2,000 00	20,000 00

Service of the Department of Banking and Insurance.

1103-02	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, and including not more than one hundred and fifty-nine permanent positions, partly chargeable to Item 2970-02, to be in addition to any amount heretofore appropriated for the purpose	—	15,000 00
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Item		Appropriation	Appropriation
		Fiscal Year 1941.	Fiscal Year 1942.
1103-03	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment and rent of offices, to be in addition to any amount heretofore appropriated for the purposes	-	\$14,000 00

Service of the Department of Civil Service and Registration.

	Board of Registration of Professional Engineers and of Land Surveyors:		
1412-01	For personal services and other expenses, including travel	-	2,000 00
	Board of Registration of Architects:		
1413-01	For personal services and other expenses, including travel	-	4,000 00
	State Examiners of Plumbers:		
1417-02	For traveling expenses, to be in addition to any amount heretofore appropriated for the purpose . .	\$250 00	250 00

Service of the Department of Industrial Accidents.

1501-02	For personal services of secretaries, inspectors, clerks and office assistants, including not more than eighty-seven permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	1,800 00
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Service of the Department of Labor and Industries.

1601-61	For clerical and other assistance for the board of conciliation and arbitration, including not more than seven permanent positions, to be in addition to any amount heretofore appropriated for the purpose	600 00	-
	Labor Relations Commission:		
1604-02	For administrative expenses, including office rent, to be in addition to any amount heretofore appropriated for the purpose . .	-	400 00
	Division of Apprentice Training:		
1605-01	For personal services of the members of the apprenticeship council, the director of apprenticeship, and clerical and other assistants, as authorized by chapter seven hundred and seven of the acts of the present year, including not more than nine permanent positions	-	7,080 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
1605-02	For other expenses, including travel, as authorized by chapter seven hundred and seven of the acts of the present year	-	\$5,500 00
<i>Service of the Department of Education.</i>			
1301-02	For personal services of officers, agents, clerks, stenographers and other assistants, including not more than forty-six permanent positions, but not including those employed in university extension work, to be in addition to any amount heretofore appropriated for the purpose	-	5,520 00
1301-03	For traveling expenses of members of the advisory board and of agents and employees when required to travel in discharge of their duties, to be in addition to any amount heretofore appropriated for the purpose	-	550 00
1301-04	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law, to be in addition to any amount heretofore appropriated for the purpose	-	1,500 00
<i>Division of the Blind:</i>			
1304-08	For aiding the adult blind, subject to the conditions provided by law, to be in addition to any amount heretofore appropriated for the purpose	\$700 00	-
<i>Teachers' Retirement Board:</i>			
1305-01	For personal services of employees, including not more than nine permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	1,800 00
1305-02	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent, to be in addition to any amount heretofore appropriated for the purpose	-	800 00
1305-03	For payment of pensions to retired teachers, to be in addition to any amount heretofore appropriated for the purpose	12,000 00	80,000 00

Service of the Department of Correction.

Item 1801-02 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by add-

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
ing after the word "positions" in the last line the words "in the fiscal year nineteen hundred and forty-one and including not more than twenty-two permanent positions in the fiscal year nineteen hundred and forty-two".		
Parole Board:		
1801-21	For personal services of members of the parole board and advisory board of pardons, agents, clerical and other employees, including not more than forty permanent positions, a sum not exceeding fifty-six hundred and forty dollars in the fiscal year nineteen hundred and forty-two, and in addition there is hereby transferred for said services for said fiscal year nineteen hundred and forty-two the sum of eighty-eight thousand six hundred and fifty dollars from the appropriation authorized by Item 1801-02 of section two of chapter four hundred and nineteen of the acts of the present year for the said fiscal year nineteen hundred and forty-two	-
1801-22	For services other than personal, including necessary office supplies and equipment; provided, that the sum of thirty-two hundred dollars is hereby transferred from the appropriation authorized for the fiscal year nineteen hundred and forty-two by Item 1801-03 of section two of chapter four hundred and nineteen of the acts of the present year to this item for the fiscal year nineteen hundred and forty-two.	\$5,640 00
1801-23	For traveling expenses of officers and employees of the parole board when required to travel in the discharge of their duties; provided, that the sum of ten thousand dollars is hereby transferred from the appropriation authorized for the fiscal year nineteen hundred and forty-two by Item 1801-04 of section two of chapter four hundred and nineteen of the acts of the present year to this item for the fiscal year nineteen hundred and forty-two.	

Service of the Department of Mental Health.

The unexpended balance of the appropriation made by Item 481b of section two of chapter three

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	hundred and nine of the acts of nineteen hundred and thirty-nine, for replacing certain steam lines at the Boston state hospital and for expenses incidental thereto, is hereby reappropriated.		
1714-23	For the acquisition of a certain parcel of land adjacent to the Gardner State Hospital, including any legal expense in connection with said acquisition	-	\$2,100 00

Service of the Department of Public Welfare.

The following item shall be payable from amounts collected under Chapter 64B of the General Laws:

1901-21	For expenses of the commissioner of public welfare in connection with a certain investigation and study relative to old age assistance, so-called, as authorized by a chapter of the acts of the present year	-	25,000 00
	Division of Child Guardianship:		
1906-01	For personal services of officers and employees, including not more than one hundred and thirty-six permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	4,320 00
1906-03	For the care and maintenance of children, including not more than two permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	12,000 00

Service of the Department of Public Health.

The sum of six thousand dollars is hereby transferred from the appropriation for the fiscal year nineteen hundred and forty-two authorized by Item 2006-02 of section two of chapter four hundred and nineteen of the acts of the present year to the appropriation for said fiscal year authorized by Item 2004-02 of said chapter four hundred and nineteen.

	Administration:		
2001-02	For personal services of the health council and office assistants, including not more than twenty-three permanent positions, to be in addition to any amount heretofore appropriated for the purpose	-	4,100 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2001-03 For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, to be in addition to any amount heretofore appropriated for the purpose	-	\$1,500 00
Special:		
2023-24 For certain improvements to the water supply system, including the cost of purchase and installation of certain water mains, at the North Reading state sanatorium	\$4,100 00	-

Service of the Department of Public Works

Item 2202-07 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the words " , including the payment of a certain claim for the fiscal year nineteen hundred and thirty-nine amounting to three hundred seventy-eight dollars and ninety-three cents."

Item 2202-08 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the words " , including the payment of a certain claim for the fiscal years nineteen hundred and thirty-seven and nineteen hundred and thirty-eight amounting to fifty-six dollars and seventy-one cents."

The unexpended balance of the appropriation authorized by Item 624 of section two of chapter three hundred and nine of the acts of nineteen hundred and thirty-nine for the fiscal year nineteen hundred and forty is hereby transferred to Item 2202-13 of section two of chapter four hundred and nineteen of the acts of the present year, and any unexpended balance of Item 2202-13 remaining at the end of the fiscal year nineteen hundred and forty-one may be expended for the same purposes in the fiscal year nineteen hundred and forty-two.

Item 2202-11 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the following: " , and provided, further that of the appropriation author-

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
	ized for the fiscal year nineteen hundred and forty-two by this item the sum of ten thousand dollars shall be available for the purposes set forth in Item 2220-17 of section two of chapter six hundred and eighty-three of the acts of the present year for the fiscal year nineteen hundred and forty-two, the same to be in addition to any unexpended balance remaining at the end of the fiscal year nineteen hundred and forty-one in said Item 2220-17."		

Unclassified Accounts and Claims.

2805-01	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves . . .	-	\$375 00
2820-03	For the payment of a certain claim, as authorized by chapter seventy-seven of the resolves of the present year . . .	\$1,080 00	520 00
2820-06	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth, as authorized by chapter seventy-nine of the resolves of the present year, to be in addition to any amount heretofore appropriated for the purpose . . .	17,616 93	-

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Service of the State Quartermaster.

For the maintenance of armories of the first class, including the purchase of certain furniture . . .	1,349 01	-
For maintenance, other than personal services, of the commonwealth depot and motor repair park . . .	360 05	-

Service of the Attorney General's Department.

For the compensation of assistants in his office, and for such other legal and personal services as may be required, including not more than thirty-seven permanent positions . . .	4,325 03	-
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Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<i>Service of the Department of Education.</i>		
Reimbursement and aid:		
For assisting small towns in providing themselves with school superintendents, as provided by law . . .	\$3,586 25	-
<i>Service of the Department of Public Safety.</i>		
Division of Inspection:		
For traveling expenses of officers for the building inspection service . . .	242 92	-
For traveling expenses of officers for the boiler inspection service . . .	483 66	-
<i>Service of the Executive Department.</i>		
For payment of extraordinary expenses and for transfers made to cover deficiencies, with the approval of the governor and council . . .	1,222 50	-
Total, General Fund . . .	\$140,121 25	\$498,418 94

THE FOLLOWING APPROPRIATIONS ARE MADE FROM THE HIGHWAY FUND:

<i>Service of the Department of Public Works.</i>		
Public Works Building:		
2922-03	For other expenses for the maintenance and operation of the public works building, to be in addition to any amount heretofore appropriated for the purpose . . .	\$2,000 00 -
Functions of the department relating to highways:		
2923-11	(This item omitted.)	
2923-14	For certain expenses in connection with a geodetic and coastal survey, the amounts to be expended in co-operation with any funds made available by the federal government for the same purpose, to be in addition to any amount heretofore appropriated for the purpose . . .	1,500 00 \$3,600 00
2923-40	For the maintenance and repair of state highways, including care of snow on highways and expenses of traffic signs and lights, for payment of damages caused by defects in state highways, with the approval of the attorney general, for care and repair of road-building machinery, and for the maintenance of a nursery for roadside planting, to be in addition to any amount heretofore appropriated for the purpose; provided, that	

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
2923-60	the appropriation for nineteen hundred and forty-one shall include a sum not exceeding two hundred dollars to be used for the purchase of certain property in the city of Beverly, to be in addition to any amount heretofore appropriated for the purpose	\$6,500 00	\$30,000 00
	For the purpose of enabling the department of public works to secure federal aid for the construction and reconstruction of highways, including bridges, to be in addition to any amount heretofore appropriated for the purpose; provided, that a sum not exceeding two hundred forty thousand dollars may be expended for engineering services in carrying out the provisions of chapter seventy-five of the resolves of the present year	331,500 00	-
	Item 2923-72 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the words ", and any unexpended balance remaining at the end of the fiscal year nineteen hundred and forty-one may be expended in the fiscal year nineteen hundred and forty-two for the same purposes; provided, that the appointment of such engineering, clerical and other assistants as the work authorized in this item may require shall be subject to chapter thirty-one of the General Laws and the rules and regulations made thereunder, but may be made on a temporary basis for the duration of the period required for the completion of such work or for any portion thereof, any provision in said chapter thirty-one or said rules to the contrary notwithstanding, and the commissioner may terminate such appointments whenever, in his opinion, the necessity therefor no longer exists, and the commissioner shall terminate such appointments upon the completion of such work or said portion thereof."		
	Any unexpended balance of the appropriation made by Item B of section two of chapter five hundred and five of the acts of nineteen hundred and thirty-eight after the payment of existing liabilities is hereby made available		

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
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in addition to the appropriation authorized by Item A of said section two of said chapter five hundred and five, for the purposes set forth in said Item A.

Metropolitan District Commission.

The following items are to be paid with the approval of the metropolitan district commission:

2931-00	For maintenance of boulevards and parkways, including installation of traffic lights, to be in addition to any amount heretofore appropriated for the purpose . . .	\$4,865 00	\$17,180 00
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Specials:

2937-02	(This item omitted.)		
2937-03	For certain repairs to the Malden river bridge on Revere beach parkway . . .	30,000 00	-
2937-13	For the cost of certain repairs for shore protection at Winthrop, Lynn shore, Quincy shore, and Revere Beach, to be in addition to any amount heretofore appropriated for the purpose . . .	25,000 00	-

Special:

2937-15	Item 2937-15 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by striking out said item and inserting in place thereof the following: — "For the purchase and installation of certain two-way radio equipment, including certain improvements, for use by the police force of the metropolitan district commission within the metropolitan parks district; provided, that no payment shall be made or obligation incurred under authority of this appropriation until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make . . .	12,300 00	-
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Service of Legislative Investigations.

2941-02	For an investigation and study of traffic congestion in and in the vicinity of Boston and throughout the commonwealth and other matters relating to motor vehicles as authorized by chapter seventy-five of the resolves of the present year . . .	10,000 00	-
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Item		Appropriation	Appropriation
		Fiscal Year 1941.	Fiscal Year 1942.

Service of the Department of Public Safety.

Special:

2970-06	For the purchase and installation of certain two-way radio equipment in the state police radio communication system; provided, that no payment shall be made or obligation incurred under authority of this appropriation until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make	\$23,200 00	-
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Service of the Department of Banking and Insurance.

Division of Insurance:

2970-08	For personal services and other expenses of receivership of the Canton Mutual Liability Insurance Company, provided, that the total expense of the division of insurance due to the receivership shall be allowed as a cost of liquidation, and that the commonwealth shall be reimbursed for the amount certified by the commissioner of insurance as said cost, to be in addition to any amount heretofore appropriated for the purpose	3,600 00	\$32,000 00
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DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Service of the Department of Public Works.

For the maintenance and repair of state highways, including care of snow on highways, expenses of traffic signs and lights; for payment of damages caused by defects in state highways, with the approval of the attorney general; for care and repair of road-building machinery; and for the maintenance of a nursery for roadside planting	28 20	-
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Metropolitan District Commission.

For the extension of the Mystic Valley parkway, so-called, as authorized by chapter three hundred and seven of the acts of nineteen hundred and thirty-five	145 21	-
Total, Highway Fund	\$450,638 41	\$82,780 00

Item	Appropriation	
	Fiscal Year 1941.	Fiscal Year 1942.

THE FOLLOWING APPROPRIATIONS ARE MADE FROM THE PORT OF BOSTON FUND:

Service of the Department of Public Works.

Item 3132-12 of section two of chapter four hundred and nineteen of the acts of the present year is hereby amended by adding at the end thereof the words "and any unexpended balance remaining at the end of the fiscal year nineteen hundred and forty-one may be expended in the fiscal year nineteen hundred and forty-two for the same purposes".		
3132-14	For personal services and other expenses of the cost of operating the East Boston airport, so-called, and the Bedford airport, so-called	- \$44,000 00
3133-13	For payment of a certain judgment, with the approval of the attorney general, in connection with a contract for certain work at Commonwealth Pier No. 5	\$18,509 18 -
3133-14	For reimbursement to the city of Boston, as provided by chapter six hundred and ninety-five of the acts of the present year, on account of expenses of the East Boston airport, so called, prior to the termination date referred to in section two of said act	22,000 00 -

Boston Port Authority.

3134-01	For reimbursement of the city of Boston for a part of the cost of the Boston Port Authority, as authorized by chapter four hundred and fifty-three of the acts of nineteen hundred and thirty-eight, to be in addition to any amount heretofore appropriated for the purpose	396 48 -
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Deficiencies.

For deficiencies in certain appropriations of previous years, in certain items, as follows:		
For the maintenance of pier one, at East Boston, including not more than two permanent positions		
	668 73	-
Total, Port of Boston Fund	\$41,574 39	\$44,000 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
THE FOLLOWING APPROPRIATIONS ARE PAYABLE FROM THE PRISON INDUSTRIES FUND:			
	The following amounts appropriated in Items 4411, 4511, 4611 and 4711 include, in each instance, partial compensation of not more than seven additional permanent employees in industries at the State Prison:		
4411	For salaries of persons employed in industries at the Massachusetts Reformatory, including not more than twenty-six permanent positions	-	\$58,540 00
4511	For salaries of persons employed in industries at the Reformatory for Women, including not more than thirteen permanent positions	-	27,386 00
4611	For salaries of persons employed in industries at the State Prison, including not more than thirty-seven permanent positions	-	89,396 00
4711	For salaries of persons employed in industries at the State Prison Colony, including not more than sixteen permanent positions	-	41,441 00
	Total, Prison Industries Fund	-	\$216,763 00

Metropolitan District Commission Funds.

The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:			
8602-00	For maintenance of parks reservations, including the purchase of land and the retirement of veterans under the provisions of the General Laws, to be in addition to any amount heretofore appropriated for the purpose	\$5,095 00	\$4,950 00
8602-27	For the cost of suppressing gypsy moths, including certain equipment, to be assessed as part of the cost of maintenance of parks reservations	-	5,000 00
8607-00	For maintenance of the Charles River basin, including retirement of veterans under the provisions of the General Laws, to be in addition to any amount heretofore appropriated for the purpose	8,580 00	9,035 00
8611-00	For maintenance of the Nantasket Beach reservation, to be in addition to any amount heretofore appropriated for the purpose	2,800 00	3,275 00

Item		Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
8802-00	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws, to be in addition to any amount heretofore appropriated for the purpose . . .	\$3,000 00	\$3,000 00
8807-00	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, including retirement of veterans under the provisions of the General Laws, to be in addition to any amount heretofore appropriated for the purpose . . .	1,250 00	1,250 00
8902-00	For the maintenance and operation of the metropolitan water system, including retirement of veterans under the provisions of the General Laws, to be in addition to any amount heretofore appropriated for the purpose . . .	21,825 00	56,265 00
	From the unexpended balance of the appropriation made by Item 690 of section two of chapter three hundred and nine of the acts of nineteen hundred and thirty-nine, for the purchase of property for protection of the water supply, there is hereby reappropriated the sum of five thousand dollars.		
8902-25	For personal services of metropolitan district police at the Quabbin reservoir, so-called, including not more than twenty-five permanent positions, to be assessed as a part of the cost of maintenance of the metropolitan water system . . .	-	54,900 00
8902-26	For an investigation relative to certain use of the Quabbin reservoir for water supply purposes and relative to other matters, as authorized by chapter ninety-one of the resolves of the present year, to be assessed as a part of the cost of maintenance of the metropolitan water system . . .	3,000 00	-

Deficiencies.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

For maintenance of parks reservations, including the purchase of land and the retirement of veterans under the provisions of the General Laws . . .

826 80

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Totals, Metropolitan District
Commission Funds . . .

\$46,376 80

\$137,675 00

Item	Appropriation Fiscal Year 1941.	Appropriation Fiscal Year 1942.
<p>Items 0416-23, 0423-21, 1331-31, 1332-31, 1711-25, 1716-23, 2022-22, 2031-21, 4035, 4036 of chapter four hundred and nineteen of the acts of the present year are hereby amended by adding at the end of each of said items the following: “, and the amount appropriated for the fiscal year nineteen hundred and forty-two is in addition to the amount appropriated in the fiscal year nineteen hundred and forty-one for the same purpose.”</p>		

SECTION 3. This act shall take effect upon its passage.

Approved October 31, 1941.

Chap. 731 AN ACT TO APPORTION AND ASSESS FOR THE CURRENT YEAR A STATE TAX OF SIXTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS AND FOR THE YEAR NINETEEN HUNDRED AND FORTY-TWO A STATE TAX OF FIFTEEN MILLION DOLLARS.

Be it enacted, etc., as follows:

PART I.

SECTION 1. There shall be a state tax for the current year amounting in the aggregate to sixteen million five hundred thousand dollars. The cities and towns in the commonwealth shall be assessed and charged with, and shall pay, said tax in the proportions established for them, respectively, by chapter one hundred and forty-one of the acts of the current year, as amended by chapter six hundred and thirty-three of the acts of said year. The comptroller shall, as soon as may be, prepare a schedule showing the sum with which each city and town is charged in accordance with this part and transmit the same to the commissioner of corporations and taxation, who shall verify the sums appearing in such schedule and as soon as may be thereafter shall certify it as so verified to the state treasurer. A copy of the schedule as so verified shall be kept in the office of said commissioner and shall be open to public inspection.

SECTION 2. Upon receipt by the state treasurer from said commissioner of said schedule as verified and certified by him, said treasurer shall forthwith send his warrants to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess in the manner provided in section twenty-one of chapter fifty-nine of the General Laws, as most recently amended by section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-six, the sum so charged, and any other taxes or charges which may be due and payable to the commonwealth as specifically provided by law or as certified

to him by the proper state board, department or commission, and to add the amount of such taxes and charges to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

SECTION 3. The state treasurer in his warrant shall require the selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities and towns to pay, to the state treasurer, on or before November twentieth in the current year, the sums with which their respective cities and towns are charged as provided in section one; and the selectmen or assessors, respectively, shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the state treasurer at some time before September first in the current year.

SECTION 4. If the amount due from any city or town, as provided in this part, is not paid to the state treasurer within the time specified, the state treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during the delinquency from and after November twentieth of the current year; and if the same remains unpaid after December first of the current year, an information may be filed by the state treasurer in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as the court, or the justice thereof before whom the hearing is had, shall order. The state treasurer may deduct at any time from any moneys which may be due from the commonwealth to any city or town the whole or any part of the tax in this part apportioned or any other tax or charge which may be due to the commonwealth from such city or town, with the interest accrued thereon.

PART II.

SECTION 5. There shall be a state tax for the year nineteen hundred and forty-two amounting in the aggregate to fifteen million dollars. The cities and towns in the commonwealth shall be assessed and charged with, and shall pay, said tax in the proportions established for them, respectively, by chapter one hundred and forty-one of the acts of nineteen hundred and forty-one, as amended by chapter six hundred and thirty-three of the acts of said year. The comptroller shall, as soon as may be, prepare a schedule showing the sum with which each city and town is charged in accordance with this part and transmit the same to the commissioner of corporations and taxation, who shall verify the sums appearing in such schedule and as soon as may be thereafter shall certify it as so verified to

the state treasurer. A copy of the schedule as so verified shall be kept in the office of said commissioner and shall be open to public inspection.

SECTION 6. Upon receipt by the state treasurer from said commissioner of said schedule as verified and certified by him, said treasurer shall forthwith send his warrants to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess in the manner provided in section twenty-one of chapter fifty-nine of the General Laws, as most recently amended by section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-six, the sum so charged, and any other taxes or charges which may be due and payable to the commonwealth as specifically provided by law or as certified to him by the proper state board, department or commission, and to add the amount of such taxes and charges to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

SECTION 7. The state treasurer in his warrant shall require the selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities and towns to pay, to the state treasurer, on or before November twentieth in the year nineteen hundred and forty-two, the sums with which their respective cities and towns are charged as provided in section five; and the selectmen or assessors, respectively, shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the state treasurer at some time before September first in the year nineteen hundred and forty-two.

SECTION 8. If the amount due from any city or town, as provided in this part, is not paid to the state treasurer within the time specified, the state treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during the delinquency from and after November twentieth of the year nineteen hundred and forty-two; and if the same remains unpaid after December first of the year nineteen hundred and forty-two, an information may be filed by the state treasurer in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as the court, or the justice thereof before whom the hearing is had, shall order. The state treasurer may deduct at any time from any moneys which may be due from the commonwealth to any city or town the whole or any part of the tax in this part apportioned or any other tax or charge which may be due to the commonwealth from such city or town, with the interest accrued thereon.

Approved October 31, 1941.

RESOLVES.

RESOLVE VALIDATING THE ACTS OF PAUL B. ROBERTS OF
WINCHESTER AS A JUSTICE OF THE PEACE AND HIS ACTS
AS A NOTARY PUBLIC. *Chap. 1*

Resolved, That the acts of Paul B. Roberts of Winchester as a justice of the peace and as a notary public, between September fifteenth, nineteen hundred and twenty-two, and February twelfth, nineteen hundred and thirty, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of such offices, respectively.

Approved February 11, 1941.

RESOLVE VALIDATING THE ACTS OF MORRIS E. SCHNEIDER
OF BROOKLINE AS A NOTARY PUBLIC. *Chap. 2*

Resolved, That the acts of Morris E. Schneider of Brookline as a notary public, between February twenty-third and September twenty-eighth, nineteen hundred and forty, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved February 13, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE GOVERNOR'S COMMITTEE ON PUBLIC SAFETY RELATIVE TO CERTAIN MEASURES ADOPTED BY THE COMMONWEALTH DURING THE YEARS NINETEEN HUNDRED AND SIXTEEN, NINETEEN HUNDRED AND SEVENTEEN AND NINETEEN HUNDRED AND EIGHTEEN, DEALING WITH MEN WHO ENTERED THE MILITARY SERVICE OF THE UNITED STATES. *Chap. 3*

Resolved, That the governor's committee on public safety is hereby authorized and directed to investigate the subject matter of so much of the governor's address, printed as current senate document number one, as relates to a study of the measures adopted by the commonwealth during the years nineteen hundred and sixteen, nineteen hundred and seventeen and nineteen hundred and eighteen dealing with men who entered the military service of the United States. Said committee shall report to the general court the results of its investigation hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with

the clerk of the senate on or before the third Monday of March in the current year. *Approved February 21, 1941.*

- Chap.* 4 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ARMORY COMMISSION RELATIVE TO THE ERECTION OF ARMORIES IN THE CITIES OF MELROSE, CHICOPEE AND REVERE, AND IN THE EAST BOSTON DISTRICT OF BOSTON, AND IN THE TOWN OF WEBSTER.

Resolved, That the armory commission is hereby authorized and directed to investigate the subject matter of current senate document numbered thirty-seven and of current house document numbered three hundred and seventy-one, relative to the erection of a new armory in the city of Melrose; the subject matter of current house document numbered seven hundred and ninety-three, relative to the erection of a new armory in the city of Chicopee; the subject matter of current house document numbered nineteen hundred and eighteen, relative to the erection of a new armory in the city of Revere; the subject matter of current senate document numbered two hundred and eighty and of current house document numbered two hundred and sixty, relative to the erection of a new armory in the East Boston district of Boston; and the subject matter of senate document numbered one hundred and fifty-six, relative to the erection of a new armory in the town of Webster, with a view to determining suitable locations for and the probable cost of said armories, including the cost of acquiring such land as may be necessary therefor. Said commission in making its investigation hereunder shall consider the number of military units now located or proposed to be located in said cities and town. Said commission shall report to the general court the results of its investigations hereunder, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first day of April in the current year.

Approved March 8, 1941.

- Chap.* 5 RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION BY THE GOVERNOR'S COMMITTEE ON PUBLIC SAFETY RELATIVE TO ACTION BY THE COMMONWEALTH AS TO CERTAIN PERSONS ENTERING THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES.

Resolved, That the governor's committee on public safety, in making its investigation under chapter three of the resolves of the current year, is hereby requested to consider the subject matter of current house document numbered sixteen hundred and forty-seven, providing for the payment by the commonwealth of a sum of money to the dependents of persons serving in the military or naval forces of the

United States, and of current house document numbered sixteen hundred and eighty-eight, providing for the payment by the commonwealth of a sum of money to residents of the commonwealth drafted or enlisted in the armed forces of the United States. Said committee is hereby further requested to include in the report to be made by it under said chapter three the results of its investigations hereunder and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect.

Approved March 11, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE DREDGING OF A CHANNEL OR CHANNELS LEADING FROM EAST BOSTON TO THE MAIN CHANNEL OF BOSTON HARBOR. Chap. 6

Resolved, That the department of public works is hereby authorized and directed to investigate the advisability and expediency of dredging a channel or channels leading from the waters adjacent to the East Boston Yacht Club and the Orient Heights Yacht Club in East Boston to the main channel of Boston harbor, as set forth in current house documents numbered two hundred and five and two hundred and six. Said department shall report to the general court the results of its investigation, and its recommendations, if any, together with estimates of cost and drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate as soon as may be.

Approved March 14, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ATTACHMENTS OF PROPERTY, AND CERTAIN RELATED MATTERS. Chap. 7

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered two hundred and twenty and current house documents numbered two hundred and twenty-six, seven hundred and sixty-seven, seven hundred and eighty-three, seven hundred and eighty-five, ten hundred and ninety-seven, ten hundred and ninety-eight, ten hundred and ninety-nine, eleven hundred, eleven hundred and one, eleven hundred and two, eleven hundred and three, fourteen hundred and seventeen hundred and forty-seven, relative to attachments of property, and certain related matters, and to include its conclusions and recommendations in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and forty-two.

Approved March 26, 1941.

Chap. 8 RESOLVE PROVIDING FOR THE PRESENT DETERMINATION, IN THE MANNER PROVIDED BY EXISTING LEASES FROM THE COMMONWEALTH TO THE CITY OF BOSTON OF THE EAST BOSTON AIRPORT PROPERTY, OF VALUES OF CERTAIN IMPROVEMENTS MADE BY SAID CITY AT SAID PROPERTY, IN CONTEMPLATION OF THE TURNING OVER IN NINETEEN HUNDRED AND FORTY-ONE OF POSSESSION OF SAID PROPERTY TO THE COMMONWEALTH.

Resolved, That there is hereby established a special commission consisting of three members appointed as provided in the leases from the commonwealth to the city of Boston of land now included in the East Boston airport made under chapter sixty-four of the resolves of nineteen hundred and twenty-eight and chapter fifty-three of the resolves of nineteen hundred and thirty. Not later than ten days after the date of passage hereof, said members shall be appointed and writings evidencing such appointments shall be filed in the office of the state secretary; and any vacancy occurring in said commission prior to the completion of its duties hereunder from death, resignation or other cause shall forthwith be filled in the manner herein provided for the appointment of the member whose place is so to be filled. Said commission shall determine the values, which in said leases are provided to be determined by such a commission, in the same manner as is provided therein, except that, instead of determining such values as of the termination of the stated terms of said leases, said commission shall make the determination of such values as of the last day of the month in which occurs the appointment of the member of said commission last appointed, said day being hereinafter referred to as the valuation date; and shall, not later than May fifteenth of the current year, submit in writing to the governor and to the mayor of said city a written determination of the values as determined under this resolve. In determining said values and in accordance with said leases, said commission shall disregard any payments by said city on account of the principal of or interest on any of its funded debt at any time incurred in connection with said airport property. The determination of values hereunder shall be in sufficient detail and be accompanied by sufficient data to serve as a basis for establishing terms for the turning over of possession of said airport property to the commonwealth in nineteen hundred and forty-one, if hereafter provided for, instead of in nineteen hundred and forty-eight as provided in said leases.

Approved March 28, 1941.

RESOLVE VALIDATING THE ACTS OF RUTH S. FULLER OF
EASTON AS A NOTARY PUBLIC. *Chap. 9*

Resolved, That the acts of Ruth S. Fuller of Easton as a notary public between October twenty-first, nineteen hundred and thirty-four, and October fourth, nineteen hundred and thirty-nine, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Ruth M. Sackett, she failed to re-register under her new name and pay to the state secretary a fee of one dollar as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved April 23, 1941.

RESOLVE VALIDATING THE ACTS OF CLAUDE B. KITTREDGE OF
EVERETT AS A NOTARY PUBLIC. *Chap. 10*

Resolved, That the acts of Claude B. Kittredge of Everett as a notary public between November twenty-second, nineteen hundred and forty, and March tenth, nineteen hundred and forty-one, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved April 23, 1941.

RESOLVE VALIDATING THE ACTS OF GERTRUDE C. GINSBERG
OF BOSTON AS A NOTARY PUBLIC. *Chap. 11*

Resolved, That the acts of Gertrude C. Ginsberg of Boston as a notary public between September twenty-sixth, nineteen hundred and forty, and November first, nineteen hundred and forty, both dates inclusive, in so far as the same may have been invalid by reason of the fact that, upon the change of her name from Gertrude Carlin, she failed to re-register under her new name and pay to the state secretary a fee of one dollar, as required by section thirteen of chapter thirty of the General Laws, are hereby confirmed and made valid.

Approved April 23, 1941.

RESOLVE VALIDATING THE ACTS OF HAROLD E. CLARKIN OF
FALL RIVER AS A NOTARY PUBLIC. *Chap. 12*

Resolved, That the acts of Harold E. Clarkin of Fall River as a notary public, between October twenty-fifth, nineteen hundred and forty, and February twenty-fourth, nineteen hundred and forty-one, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved April 23, 1941.

Chap. 13 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE COMMISSIONER OF EDUCATION AND THE CHAIRMAN OF THE STATE PLANNING BOARD OF PROBLEMS CONNECTED WITH THE STIMULATION OF HANDICRAFTS THROUGHOUT THE COMMONWEALTH.

Resolved, That the commissioner of education and the chairman of the state planning board are hereby authorized and directed to make an investigation and study of problems connected with the stimulation of handicrafts throughout the commonwealth, with a view to determining the possibility of establishing a permanent organization to co-ordinate and promote activities in said field. In the course of their investigation and study said commissioner and chairman shall confer with the Extension Service of the Massachusetts State College, the Massachusetts State Grange, the Massachusetts Farm Bureau Federation, Incorporated, The Society of Arts and Crafts and the Massachusetts Association of Handicraft Guild, and may call upon the departments, boards, commissions and officers of the commonwealth for such information as they may desire for the purposes of this resolve. Said commissioner and chairman shall report to the general court the results of their investigation and study, and their recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives within two months after the effective date of this resolve.

Approved April 30, 1941.

Chap. 14 RESOLVE VALIDATING CERTAIN ACTS OF HENRY C. WALSH OF WORCESTER AS A JUSTICE OF THE PEACE AND AS A NOTARY PUBLIC.

Resolved, That the acts of Henry C. Walsh of Worcester as a justice of the peace and as a notary public, between November twenty-ninth, nineteen hundred and forty, and March eighth, nineteen hundred and forty-one, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of such offices, respectively.

Approved May 1, 1941.

Chap. 15 RESOLVE FURTHER PROVIDING FOR THE DISTRIBUTION OF THE RECORDS OF MASSACHUSETTS SOLDIERS, SAILORS AND MARINES IN THE CIVIL WAR.

Resolved, That the state secretary, in distributing copies of "Massachusetts Soldiers, Sailors and Marines in the Civil War" shall also distribute on written request one copy thereof to each member of the present general court who was not a member of the general court during the years nineteen hundred and thirty-seven and nineteen hundred

and thirty-eight, and, until the present supply is exhausted, to any member of any general court hereafter elected who has not previously received a copy of said publication.

Approved May 8, 1941.

RESOLVE AUTHORIZING THE GRANTING TO THE TOWN OF ORANGE OF AN EASEMENT IN CERTAIN STATE LAND FOR THE CONSTRUCTION AND MAINTENANCE BY IT OF A SEWER IN AND ACROSS SAID LAND. *Chap. 16*

Resolved, That the armory commission, on behalf of the commonwealth, is hereby authorized to grant to the town of Orange, by instrument or instruments approved as to form by the attorney general, an easement in land of the commonwealth at or adjoining the state armory in said town for the construction and maintenance by said town of a sewer in and across such land.

Approved May 9, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO DAMAGES FOR BODILY INJURIES OR DEATH CAUSED BY THE OPERATION OF MOTOR VEHICLES OWNED BY THE COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS OR BY CHARITABLE CORPORATIONS, RELATIVE TO THE ADMISSIBILITY OF EVIDENCE OF VIOLATION OF ANY STATUTE, ORDINANCE OR WRITTEN RULE AS EVIDENCE OF NEGLIGENCE, RELATIVE TO TRUSTEE PROCESS IN ACTIONS UPON JUDGMENTS AND RELATIVE TO THE ATTACHMENT OF ENCUMBERED PERSONAL PROPERTY. *Chap. 17*

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered two hundred and twenty-two, relative to damages for bodily injuries or death caused by the operation of motor vehicles owned by the commonwealth or any of its political subdivisions or by charitable corporations, of current senate document numbered four hundred and thirteen, relative to the admissibility of evidence of violation of any statute, ordinance or written rule as evidence of negligence, of current house document numbered seven hundred and eighty-four, relative to trustee process in actions upon judgments, and of current house document numbered ten hundred and ninety-six, relative to the attachment of encumbered personal property, and to include its conclusions and recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and forty-two.

Approved May 9, 1941.

- Chap. 18* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE DISPOSITION OF CERTAIN PROPERTY UNDER WILLS IN CERTAIN CASES OF FRAUD OR UNDUE INFLUENCE PRACTICED ON THE TESTATOR.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered four hundred and twenty-eight, relative to the disposition of certain property under wills in certain cases of fraud or undue influence practiced on the testator, and to include its conclusions and its recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and forty-two.

Approved May 19, 1941.

- Chap. 19* RESOLVE PROVIDING FOR THE DISTRIBUTION OF THE TERCENTENARY EDITION OF THE GENERAL LAWS, INCLUDING THE INDEX THERETO, TO CERTAIN MEMBERS OF THE EXECUTIVE COUNCIL AND OF THE GENERAL COURT.

Resolved, That the state secretary shall, upon written request, furnish to any member of the present executive council and of the present general court, and to any person hereafter elected to the executive council or the general court, one copy of the Tercentenary Edition of the General Laws, together with the index thereto; provided, that such person has not received such edition, and the index thereto, under any other provision of law providing for the distribution of said edition and index; and provided, further, that this resolve shall cease to be operative when, in the opinion of the state secretary, the number of copies of said edition and index remaining on hand does not warrant further distribution as herein authorized.

Approved May 20, 1941.

- Chap. 20* RESOLVE PROVIDING FOR THE REIMBURSEMENT IN PART OF THE CITY OF BOSTON BY THE COMMONWEALTH FOR EXPENSES INCURRED BY SAID CITY IN THE OPERATION AND MAINTENANCE OF THE SUMNER TUNNEL THEREIN.

Resolved, That, subject to appropriation, there be allowed and paid by the commonwealth from the Highway Fund to the city of Boston the sum of two hundred thousand dollars, to reimburse said city in part for expenses incurred by it in the operation and maintenance of the vehicular tunnel between Boston proper and East Boston, known as the Sumner tunnel, one half of said sum to be paid as aforesaid on September first in the current year and one half on July first in the year nineteen hundred and forty-two.

Approved May 28, 1941.

RESOLVE PROVIDING FOR THE ACCEPTANCE BY THE COMMONWEALTH OF A TABLET IN HONOR OF CHARLES E. DURYEA AND THE PLACING OF SUCH TABLET IN THE STATE HOUSE OR ON THE GROUNDS APPURTENANT THERETO. *Chap. 21*

Resolved, That a tablet in honor of Charles E. Duryea, so-called "father of the automobile", proposed to be presented to the commonwealth by certain organizations of Springfield, be accepted and placed in some appropriate location in the state house, or on the grounds appurtenant thereto, to be designated by the art commission of the commonwealth; provided, that said tablet be approved by said commission.

Approved June 4, 1941.

RESOLVE PROVIDING FOR THE PRINTING AND SALE OF THE COMPLETE REPORT OF A STUDY BY THE DEPARTMENT OF EDUCATION RELATIVE TO EDUCATIONAL AND EMPLOYMENT PROBLEMS AFFECTING THE YOUTH OF THE COMMONWEALTH, AND RELATED MATTERS. *Chap. 22*

Resolved, That the state secretary is hereby authorized and directed to cause to be printed one thousand copies of the report of a study by the department of education, under authority of chapter thirty-eight of the resolves of nineteen hundred and thirty-nine, relative to educational and employment problems affecting the youth of our commonwealth, and related matters, printed as current senate document numbered six hundred and twenty. The state secretary shall place said copies on sale at such price per copy, not less than the cost of printing, binding and paper, as shall be fixed by him, and for the purpose of this resolve may expend a sum or sums not exceeding, in the aggregate, five hundred and forty-two dollars in anticipation of an appropriation therefor.

Approved June 20, 1941.

RESOLVE AUTHORIZING THE CONVEYANCE BY THE DEPARTMENT OF PUBLIC WORKS TO GRACE A. ELLISON OF QUINCY OF CERTAIN LAND OR INTERESTS THEREIN LOCATED IN SAID CITY. *Chap. 23*

Resolved, That the department of public works, acting for and in behalf of the commonwealth, may, subject to the approval of the governor and council, convey to Grace A. Ellison, of the city of Quincy, by an instrument or instruments approved as to form by the attorney general, all the right, title and interest which the commonwealth may have in such portions of the land described in a deed of Grace A. Ellison to the commonwealth recorded with Norfolk deeds in book 2028, page 326, as lie outside the limits of the existing state highway in the vicinity of Dee road in said city.

Approved June 20, 1941.

- Chap. 24* RESOLVE PROVIDING FOR A STUDY BY AN UNPAID SPECIAL COMMISSION RELATIVE TO ABOLISHING THE DEFENCES OF CONTRIBUTORY NEGLIGENCE AND IMPUTED NEGLIGENCE IN CASES OF INJURY TO CHILDREN UNDER SEVEN.

Resolved, That an unpaid special commission, to consist of three persons, to be appointed by the governor, each of whom shall be a professor of law or a member of the Massachusetts Bar, is hereby established for the purpose of making a study of the subject matter of current senate document numbered six hundred and forty-four, relative to abolishing the defences of contributory negligence and imputed negligence in cases of injury to children under seven. The commission shall be provided with quarters in the state house and shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the third Wednesday of December in the year nineteen hundred and forty-two. *Approved June 24, 1941.*

- Chap. 25* RESOLVE EXTENDING THE TIME FOR THE PAYMENT OF AN ANNUITY TO AGNES L. HARRISON OF BOSTON.

Resolved, That, subject to appropriation, there shall be paid from the treasury of the commonwealth, for a further period of five years, an annuity of six hundred and sixty dollars to Agnes L. Harrison of Boston, whose husband, John Harrison, was killed by lightning while in the performance of his duty as an employee of the military department of the commonwealth. Said annuity shall be payable in monthly installments from and after the period covered by chapter forty-nine of the resolves of nineteen hundred and thirty-seven and shall cease upon the remarriage of said Agnes L. Harrison. No payment shall be made hereunder until there shall have been filed with the comptroller an agreement signed by said Agnes L. Harrison that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum. *Approved June 24, 1941.*

- Chap. 26* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING OF THE METROPOLITAN DISTRICT COMMISSION, OR ITS SUCCESSOR, RELATIVE TO A CERTAIN HIGHWAY IMPROVEMENT IN THE TOWNS OF BRAINTREE AND WEYMOUTH.

Resolved, That the division of metropolitan planning of the metropolitan district commission, or its successor, is hereby authorized and directed to investigate the advisability and feasibility of laying out and constructing a highway or highways in the towns of Braintree and Weymouth as a by-pass of Weymouth Landing, so called. Said division

or its successor shall make the preliminary plans and estimates necessary to determine said advisability and feasibility and shall report the results of its investigation and its recommendations, if any, together with drafts of legislation to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved June 24, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ADVISORY BOARD OF THE DEPARTMENT OF AGRICULTURE RELATIVE TO THE POSSIBILITIES OF LIVESTOCK DIVERSIFICATION IN THE COMMONWEALTH. *Chap. 27*

Resolved, That the advisory board of the department of agriculture is hereby authorized and directed to investigate the subject of livestock diversification with a view to the further development of the potential agricultural resources of the commonwealth.

Said advisory board shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 24, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING OF THE METROPOLITAN DISTRICT COMMISSION, OR ITS SUCCESSOR, RELATIVE TO THE ADVISABILITY OF PROVIDING ADDITIONAL RAPID TRANSIT FACILITIES FOR EAST BOSTON, CHELSEA, WINTHROP, REVERE AND OTHER CONNECTING COMMUNITIES. *Chap. 28*

Resolved, That the division of metropolitan planning of the metropolitan district commission, or its successor, is hereby authorized and directed to investigate the subject matter of current house documents numbered two hundred and ninety-eight and thirteen hundred and fourteen, relative to providing additional rapid transit facilities for East Boston, Chelsea, Winthrop, Revere and other connecting communities. Said division, or its successor, shall report to the general court the results of its investigation, including estimates of cost and also its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 3, 1941.

- Chap. 29* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO HIGHWAY TRAFFIC THROUGH THE DORCHESTER DISTRICT OF BOSTON TO POINTS SOUTH.

Resolved, That the metropolitan district commission is hereby authorized to investigate the need, feasibility and probable cost of a radial highway from a point at or near the South Station in Boston south to a point at or near Pierce square in Milton or the Neponset bridge in Quincy, and also to consider the use of such radial highway for pleasure traffic or commercial traffic, or both such purposes, and the need thereof for the cities and towns south of Boston and those on Cape Cod. Said commission shall report to the general court the results of its investigation, including estimates of cost and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 3, 1941.

- Chap. 30* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING RELATIVE TO THE ADVISABILITY AND FEASIBILITY OF LAYING OUT AND CONSTRUCTING A BRIDGE OVER THE MYSTIC RIVER BETWEEN THE CITIES OF BOSTON AND CHELSEA.

Resolved, That the division of metropolitan planning is hereby authorized and directed to investigate the advisability and feasibility of the laying out and construction of a bridge over the Mystic river from a point at or near City square in the Charlestown district of the city of Boston to a point at or near Chelsea square in the city of Chelsea. Said division shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation to carry such recommendations into effect, by filing the same with the clerk of the senate on or before July fifteenth in the current year.

Approved July 3, 1941.

- Chap. 31* RESOLVE IN AID OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF MASSACHUSETTS.

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth a sum not exceeding sixteen hundred dollars in each of the years nineteen hundred and forty-one and nineteen hundred and forty-two, in addition to any amount heretofore appropriated for the same purpose, to aid in defraying the expenses of the Grand Army of the Republic, Department of Massachusetts; and any unexpended balance of said sum remaining at the end of either of said years may be used in the succeed-

ing year. Payments for such aid shall be made upon the presentation to the comptroller of vouchers therefor, approved by the assistant adjutant general and the commander of said department.

Approved July 9, 1941.

RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL CONVENTION OF THE ARMY AND NAVY LEGION OF VALOR OF THE UNITED STATES IN THE YEAR NINETEEN HUNDRED AND FORTY-TWO IN THE EVENT THAT THE SAME IS HELD IN THE CITY OF BOSTON. *Chap. 32*

Resolved, That, in order that the commonwealth may be properly represented on the occasion of the national convention of The Army and Navy Legion of Valor of the United States in the year nineteen hundred and forty-two, if held in the city of Boston as anticipated, and in such case to ensure, in arranging entertainments and other events in connection therewith, after an appropriation has been made and if such convention is to be held in said city as aforesaid, there may be expended, with the approval and under the direction of the governor and council, a sum not exceeding one thousand dollars.

Approved July 9, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE MASSACHUSETTS DEVELOPMENT AND INDUSTRIAL COMMISSION RELATIVE TO ENCOURAGING EMPLOYERS TO ESTABLISH THEIR PLACES OF BUSINESS IN THE TOWN OF MILLVILLE, AND RELATED MATTERS. *Chap. 33*

Resolved, That the Massachusetts Development and Industrial Commission is hereby authorized and directed to make an investigation relative to the subject matter of current house document numbered thirteen hundred and twenty-four, relative to relieving the commonwealth of certain financial burdens in connection with the town of Millville and assisting the property owners of said town by encouraging employers to establish their places of business in said town, and related matters. The commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 9, 1941.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE HIRAM N. DEARBORN. *Chap. 34*

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the state treasury to the widow of the late Hiram N. Dearborn, who died while a member of the present house of representatives, the balance

of the salary to which he would have been entitled for the current session had he lived and served until the end of said session. Said sum shall be paid from the amount appropriated by item 0101-03 of the general appropriation act of the current year.

Approved July 9, 1941.

Chap. 35 RESOLVE PROVIDING FOR A SURVEY, PLANS, ESTIMATES AND SPECIFICATIONS RELATIVE TO THE CONSTRUCTION OF DIKES AND PUMPING EQUIPMENT ON THE NORTH ANDOVER SIDE OF THE SHAWSHEEN RIVER AND THE STRAIGHTENING OF THE CHANNEL OF SAID RIVER.

Resolved, That the department of public works is hereby authorized and directed to make a survey, with detail plans, estimates of cost and specifications, to provide for the construction of a dike or dikes and necessary pumping equipment on the North Andover side of the Shawsheen river in the town of North Andover and for the straightening of the existing channel of said river. Said department shall submit to the general court a report of its survey hereunder, with its recommendations, if any, and drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate as soon as may be.

Approved July 10, 1941.

Chap. 36 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CIVIL SERVICE LAWS AND RULES AND REGULATIONS OF THE COMMONWEALTH.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the civil service laws of the commonwealth and the rules and regulations made thereunder, with a view to making such changes and additions thereto as may be necessary for the best interests of the public. In making its investigation and study hereunder, said commission shall consider the subject matter of current house documents numbered twenty-three, twenty-five, six hundred and seventy-seven, nine hundred and ninety-five, thirteen hundred and fifty-eight and nineteen hundred and forty-five. The commission shall be provided with quarters in the state house or elsewhere, and may expend, with the approval of the governor and council, for clerical and other services and expenses such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated therefor. Said special commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recom-

mendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 10, 1941.

RESOLVE PROVIDING FOR A STUDY AND INVESTIGATION BY
THE DEPARTMENT OF PUBLIC HEALTH RELATIVE TO THE
ERADICATION AND CONTROL OF RAGWEED. *Chap. 37*

Resolved, That the department of public health is hereby authorized and directed to make a study and investigation relative to the eradication and control of ragweed, so called. Said department shall, in the course of its study and investigation, confer and co-operate with such agencies of the commonwealth or any political subdivision thereof, and with such civic and other associations or organizations, as may be engaged in making a study and investigation of the said elimination of ragweed. It shall report to the general court the result of its investigations and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 10, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL
COUNCIL RELATIVE TO CERTAIN ACTIONS FOR LIBEL AND
SLANDER AND RELATIVE TO THE ENTIRE SUBJECT MATTER
OF LIBEL. *Chap. 38*

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered one hundred and ninety-two, relative to protecting persons making certain reports of writs, orders and pleadings against criminal responsibility for libel, of current senate document numbered one hundred and ninety-three, relative to actions for libel and slander, and of current house document numbered three hundred and seven relative to making the writers of published libelous statements civilly and criminally liable therefor, and in general to investigate the entire subject matter of libel in order to ascertain what changes in, or additions to, the laws of the commonwealth relative to libel are advisable, and to include its conclusions and recommendations, if any, in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and forty-two.

Approved July 10, 1941.

- Chap. 39* RESOLVE PROVIDING FOR THE PROCURING AND PLACING IN THE STATE HOUSE OF A SUITABLE TABLET OR MEMORIAL COMMEMORATING THE SERVICES OF THE MASSACHUSETTS STATE GUARD BETWEEN APRIL FIFTH, NINETEEN HUNDRED AND SEVENTEEN AND DECEMBER TWENTY-FIRST, NINETEEN HUNDRED AND NINETEEN.

Resolved, That the art commission for the commonwealth is hereby authorized to procure and place in the state house, a suitable tablet or memorial commemorating the services rendered to the commonwealth by the Massachusetts State Guard during its term of service from April fifth, nineteen hundred and seventeen to December twenty-first, nineteen hundred and nineteen. For said purpose, said commission may expend such sum as may hereafter be appropriated therefor.

Approved July 14, 1941.

- Chap. 40* RESOLVE PROVIDING FOR A STUDY BY AN UNPAID SPECIAL COMMISSION RELATIVE TO CHANGING THE METHOD OF ASSESSING DAMAGES IN ACTIONS FOR DEATH AND RAISING THE MINIMUM AMOUNT RECOVERABLE IN SUCH ACTIONS.

Resolved, That an unpaid special commission, to consist of five persons to be appointed by the governor, is hereby established for the purpose of making a study of the subject matter of current house document numbered twenty-three hundred and ninety-eight, relative to changing the method of assessing damages in actions for death and raising the minimum amount recoverable in such actions. The commission shall be provided with quarters in the state house and shall report to the general court the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 15, 1941.

- Chap. 41* RESOLVE PROVIDING CERTAIN ADDITIONAL ALLOWANCES FOR EXPENSES OF CERTAIN MASSACHUSETTS MILITARY UNITS.

Resolved, That, for the purpose of meeting certain expenses of Massachusetts military units which have been inducted into the federal service, the adjutant general may make allowances to such units in amounts, not exceeding, in the aggregate, thirty-five thousand dollars, which sum is hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the current fiscal year, from the general fund or revenue of the commonwealth, the same to be in addition to any other amounts heretofore appropriated for allowances to military units of the commonwealth.

Approved July 22, 1941.

RESOLVE AUTHORIZING THE RELEASE BY THE COMMONWEALTH TO THE COUNTY OF WORCESTER OF ANY RIGHT, TITLE OR INTEREST THE COMMONWEALTH MAY HAVE IN CERTAIN PROPERTY LOCATED IN THE CITY OF GARDNER. *Chap. 42*

Resolved, That the district attorney for the middle district, in the name and on behalf of the commonwealth, is hereby authorized to release to the county of Worcester, by proper instrument or instruments and for a nominal consideration, all the right, title and interest the commonwealth may have in a certain parcel of land located in the city of Gardner and seized by Martin E. S. Anderholm, a deputy sheriff of said county of Worcester, by virtue of an execution which issued on a judgment in favor of the commonwealth against Vincenzo D'Arcangelo recovered in the superior court for said county on February tenth, nineteen hundred and thirty-eight, and sold and conveyed by said deputy sheriff on July eighth, nineteen hundred and thirty-eight, to the commonwealth by his deed recorded in the registry of deeds for the Worcester district, Book 2726, Page 331.

Approved July 22, 1941.

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION TO INVESTIGATE RELATIVE TO RAILROAD TRANSPORTATION FACILITIES WITHIN THE COMMONWEALTH. *Chap. 43*

Resolved, That the unpaid special commission, established by chapter sixty-four of the resolves of nineteen hundred and thirty-nine, is hereby revived and continued for the purpose of continuing its investigation relative to transportation facilities within the commonwealth. Said commission, shall, in the course of its investigation, confer and cooperate with such agencies of the commonwealth or any political subdivision thereof, and with such civic and other associations or organizations, as may be engaged in making an investigation and study of said railroad facilities, for the purpose of co-ordinating the activities of said agencies, associations and organizations in carrying out said investigations and studies. Said commission may call upon the department of public utilities and other departments, boards, commissions and officers of the commonwealth for such information as it may desire in the course of its investigation. Said commission shall be provided with quarters in the state house or elsewhere, shall hold public hearings, shall have the power to summon witnesses and to require the production of books, records, contracts and papers and the giving of testimony under oath, and may expend for expert clerical and other services and expenses such sums, not exceeding, in the aggregate, ten thousand dollars, as may hereafter be appropriated therefor. Said commission shall make a supplementary report to the general court of the results of its investigation and its recommendations, if any, together with

drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives as soon as may be, but in any case not later than December first, nineteen hundred and forty-two.

Said commission shall, at the time of filing its supplementary report with the clerk of the house of representatives as aforesaid, file a copy thereof with the governor.

Approved July 22, 1941.

Chap. 44 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF CONSERVATION RELATIVE TO THE ACQUISITION BY THE COMMONWEALTH OF LAND NEAR TRAPP POND IN THE TOWNS OF EDGARTOWN AND OAK BLUFFS FOR PUBLIC BEACH PURPOSES.

Resolved, That the department of conservation is hereby authorized and directed to investigate the subject matter of current house document numbered six hundred and eighty-six, relative to the acquisition by the commonwealth of land near Trapp Pond in the towns of Edgartown and Oak Bluffs for public beach purposes. Said department shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 22, 1941.

Chap. 45 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT WATER SUPPLY COMMISSION RELATIVE TO THE USE BY ADDITIONAL MUNICIPALITIES OF THE QUABBIN RESERVOIR FOR WATER SUPPLY PURPOSES, AND RELATIVE TO THE RELATION OF THE CITY OF BOSTON TO AND ITS SHARE OF THE EXPENSES OF THE METROPOLITAN DISTRICT COMMISSION.

Resolved, That the metropolitan district water supply commission is hereby authorized and directed to make an investigation of the subject matter of so much of the governor's address, printed as current senate document numbered one, as relates to the use by additional municipalities of the Quabbin reservoir for water supply purposes, and so much thereof as relates to the relation of the city of Boston to and its share of the expenses of the metropolitan district commission. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 23, 1941.

RESOLVE IN FAVOR OF KATHERINE M. SPAULDING OF
HAVERHILL. *Chap. 46*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth in the premises, and after an appropriation has been made therefor, there be allowed and paid out of the state treasury the sum of eleven hundred dollars to Katherine Marion Spaulding of Haverhill, who suffered ill health over a period extending from nineteen hundred and thirty-three to nineteen hundred and thirty-nine, as the result of negligence on the part of certain authorities at the Lakeville state sanatorium in connection with an operation performed on her at said sanatorium in nineteen hundred and thirty-three. No payment shall be made hereunder until there shall have been filed with the state comptroller an agreement, signed by said Katherine Marion Spaulding, that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum paid hereunder.

Approved July 23, 1941.

RESOLVE RELIEVING THE COMMISSIONER OF INSURANCE FROM
ACCOUNTING TO THE COMMONWEALTH FOR A CERTAIN SUM
OF MONEY. *Chap. 47*

Resolved, That the commissioner of insurance, or his authorized agent, is hereby relieved from accounting to the state treasurer for the sum of one hundred and twenty-five dollars, the same being the amount of license fees stolen in the course of a burglary from the safe at the division of insurance during the night of February twenty-eighth, nineteen hundred and forty, which amount appeared in his cash account of said date and in his account with the commonwealth on November thirtieth, nineteen hundred and forty, all as set forth in the report of the state auditor on August twenty-third, nineteen hundred and forty, on his examination of the accounts of the division of insurance as of April first, nineteen hundred and forty.

Approved July 24, 1941.

RESOLVE ESTABLISHING A SPECIAL COMMISSION FOR THE
PURPOSE OF MAKING AN INVESTIGATION AND STUDY OF
THE CRIMINAL LAWS OF THE COMMONWEALTH AND OF
DRAFTING A PENAL CODE. *Chap. 48*

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, three persons to be appointed by the governor, and the attorney general or one of his assistants to be designated by him, is hereby established for the purpose of making an investigation and study of the criminal laws of the commonwealth and of drafting

a penal code more in harmony with modern conceptions of crime, punishment and correction. In making its investigation and study hereunder, said commission shall consider the subject matter of current senate document numbered six hundred and fifty-four, relative to the defence of relationship in prosecutions as an accessory after the fact, of current house document numbered eleven hundred and eight, relative to the punishment for robbery while armed with a dangerous weapon, of current house document numbered eleven hundred and nine, relative to the punishment for breaking in the night time a building, ship or vessel with intent to commit a felony, of current house document numbered eleven hundred and ten, relative to the buying, receiving or aiding in the concealment of stolen or embezzled property, and of current house document numbered seventeen hundred and forty-four, relative to investing the courts with discretionary power to sentence persons convicted of felony for a third time to the state prison, a house of correction or the state farm. Said commission may hold hearings, shall be provided with quarters in the state house or elsewhere, and may expend for clerical and other assistance and expenses such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and the penal code drafted by it, by filing the same with the clerk of the house of representatives on or before March fifteenth in the year nineteen hundred and forty-three.

Approved July 29, 1941.

Chap. 49 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE ESTABLISHMENT OF AN ADMINISTRATIVE COURT.

Resolved, That a special unpaid commission, consisting of five persons to be appointed by the governor, is hereby established for the purpose of making an investigation of the subject matter of current house document numbered eleven hundred and seven, relative to the establishment of an administrative court in this commonwealth. Said commission may expend for expenses and clerical and other assistance such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated. Said commission shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 29, 1941.

RESOLVE PROVIDING FOR A FURTHER INVESTIGATION AND STUDY BY THE COMMISSIONER OF EDUCATION AND THE CHAIRMAN OF THE STATE PLANNING BOARD OF PROBLEMS CONNECTED WITH THE STIMULATION OF HANDICRAFTS THROUGHOUT THE COMMONWEALTH. *Chap. 50*

Resolved, That the commissioner of education and the chairman of the state planning board are hereby authorized and directed to continue the investigation and study of problems connected with the stimulation of handicrafts throughout the commonwealth, provided for by chapter thirteen of the resolves of the current year. Said commissioner and chairman shall report to the general court the results of their further investigation and study hereunder, and their recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 29, 1941.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AND REPAIRS OF THE HOUSE CHAMBER AND LOBBY AND ADJOINING ROOMS IN THE STATE HOUSE. *Chap. 51*

Resolved, Subject to appropriation, there may be expended under the direction of the committee on rules of the house of representatives, with the approval of the art commission, such sums, not exceeding, in the aggregate, fifteen thousand dollars, as said committee may deem necessary, for the purpose of painting, repairing and improving the house chamber in the state house and such parts of the house lobby and adjoining rooms as it may deem advisable, including replacement of equipment. Said committee on rules, with like approval, may accept and install in said house chamber such murals, if any, as may be donated for the purpose.

Approved July 29, 1941.

RESOLVE IN FAVOR OF THE TOWN OF DUDLEY.

Chap. 52

Resolved, That, in order that the taxpayers of the town of Dudley may not be required to bear in full the expenses incurred by said town for certain old age assistance and for aid to dependent children for the years ending March thirty-first and June thirtieth, nineteen hundred and forty, respectively, there shall be allowed and paid to said town out of the state treasury, subject to appropriation, the sum of five hundred dollars, which amount said town would have received in the year nineteen hundred and forty on account of both such classes of expenses except for the failure of the officials of said town to make a proper and seasonable application to the commonwealth therefor.

Approved July 29, 1941.

Chap. 53 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REQUIRING THE FILING IN THE PROPER REGISTRIES OF DEEDS OF STATEMENTS BY EXECUTORS AND ADMINISTRATORS AS TO REAL PROPERTY OWNED AT DEATH BY THEIR TESTATORS AND INTESTATES AND BY GUARDIANS AND CONSERVATORS AS TO REAL PROPERTY OWNED AT THE TIME OF THEIR APPOINTMENT BY THEIR WARDS.

Resolved, That the judicial council is hereby requested to consider the subject matter of current house document numbered twenty-seven hundred and fourteen, relative to requiring the filing in the proper registries of deeds of statements by executors and administrators as to real property owned at death by their testators and intestates and by guardians and conservators as to real property owned at the time of their appointment by their wards, and to include its recommendations in relation to such subject matter, if any, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the year nineteen hundred and forty-two.

Approved July 29, 1941.

Chap. 54 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE COMMISSION ON INTERSTATE CO-OPERATION RELATIVE TO THE INTERSTATE TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE IN THIS COMMONWEALTH.

Resolved, That the commission on interstate co-operation is hereby authorized and directed to make an investigation relative to the transportation of property by motor vehicle over the ways of the commonwealth by carriers engaged in interstate commerce, with a view to determining the advisability of providing further for the regulation by the commonwealth of such transportation. Said commission shall consider particularly the protection of the ways of the commonwealth against improper or destructive use, the cost of the upkeep of said ways, the unnecessary burdening of said ways by trucks engaged in interstate transportation of property for hire, the disadvantageous position of railroads and carriers by water in competing with such trucks, the matter of making the laws of the commonwealth consistent with federal statutes, and the effect upon the commonwealth of the present competition between said trucks and said railroads and common carriers by water.

Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 29, 1941.

RESOLVE IN FAVOR OF DONALD ELLERSHAW OF WESTFIELD. *Chap. 55*

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, there be allowed and paid out of item 1004-12 of the general appropriation act of the current year to Donald Ellershaw of Westfield, the sum of three hundred and fifty-two dollars, to reimburse him for expenses of hospital and medical care necessarily incurred by him on account of injuries sustained on April eleventh, nineteen hundred and forty-one, while in the performance of his duties as an employee of the division of fisheries and game in the department of conservation. No payment shall be made hereunder until there shall have been filed with the comptroller an agreement signed by said Donald Ellershaw that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum paid hereunder.

Approved July 30, 1941.

RESOLVE PROVIDING FOR A STUDY BY A SPECIAL COMMISSION RELATIVE TO THE DISTRIBUTION OF FEDERAL FUNDS FOR THE BENEFIT OF AGRICULTURE. *Chap. 56*

Resolved, That an unpaid special commission, to consist of one member of the senate to be designated by the president thereof, one member of the house of representatives to be designated by the speaker thereof, and the advisory board of the department of agriculture, is hereby established for the purpose of making a study relative to the distribution of federal funds for the benefit of agriculture, particularly as affecting persons engaged in farming within the commonwealth, with a view to cooperating with federal officials and effecting a more equitable distribution of such funds to persons engaged in farming as aforesaid. Said commission may, for carrying out the aforesaid purposes, expend such sum, not exceeding three hundred dollars, as may hereafter be appropriated therefor. It shall report to the general court its findings, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first, nineteen hundred and forty-two.

Approved July 31, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE BOSTON PORT AUTHORITY RELATIVE TO SHIPPING BUSINESS AND WHARFAGE CHARGES AT THE PORT OF BOSTON. *Chap. 57*

Resolved, That the Boston Port Authority is hereby requested to make an investigation, as proposed by current house document numbered four hundred and seventy-four, as to the causes for the withdrawal of shipping business from the Port of Boston, and also to investigate the subject mat-

ter of current house document numbered two thousand and sixteen, relative to wharfage charges at said port, and to report to the general court the results of its investigation and its recommendations, if any, by filing the same with the clerk of the house of representatives as soon as may be, but not later than the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 31, 1941.

Chap. 58 RESOLVE IN FAVOR OF WILLIAM J. GROVES OF GLOUCESTER

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth and of promoting the public good, and after an appropriation has been made therefor, there be allowed and paid out of the state treasury, in monthly instalments from November first, nineteen hundred and forty-one, the sum of twelve hundred dollars per year, for a period of five years, to William J. Groves of Gloucester, on account of injuries sustained by him while in the performance of military duty with company M, fifteenth infantry, Massachusetts state guard.

Approved July 31, 1941.

Chap. 59 RESOLVE PROVIDING FOR PAYMENTS BY THE COMMONWEALTH OF CERTAIN SUMS OF MONEY AS FULL COMPENSATION FOR CERTAIN PROPERTY TAKEN BY THE COMMONWEALTH THROUGH ITS DEPARTMENT OF PUBLIC WORKS.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth, there be paid out of the appropriation made by item 2923-60 of the general appropriation act of the current year to the parties and in the amounts hereinafter specified, as full compensation for certain property taken by eminent domain under chapter seventy-nine of the General Laws by the commonwealth through its department of public works:

NAMES OF PARTIES.	Amounts of Payments.
Joseph Balas and Josephine Balas	\$85 00
Angelo Calderone and Rose Calderone	360 00
Teresa DeFelice	20 00
Eugene Mullen and the Estate of Dennis Keresey	250 00
Mary A. Reed	100 00
William B. Rogers	1,673 00
Dianna Sheppard	1,081 30
Winslow Bros. & Smith Co.	1,010 00
Lucy Olds of Methuen	500 00
Delia Martin of Boston	3,190 00

No payment shall be made hereunder to any party entitled thereto until such party shall have signed and filed with the comptroller an agreement that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum so payable to such party.

Approved July 31, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY
A SPECIAL COMMISSION RELATIVE TO THE LAWS OF THE
COMMONWEALTH RELATING TO ALCOHOL AND ALCOHOLIC
BEVERAGES AND TO COMMON VICTUALLERS. *Chap. 60*

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof and two persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the laws of the commonwealth relating to the manufacture, transportation, storage, sale, importation and exportation of alcohol and alcoholic beverages and relating to common victuallers, and of the administration of said laws, with a view to making such changes in and additions to the provisions thereof, and such changes pertaining to the administration thereof, as said commission may deem necessary or advisable. In making its investigation and study hereunder, said commission shall consider the subject matter of current senate document numbered two hundred and sixty-four and of current house documents numbered eleven hundred and fifty-nine, fourteen hundred and twenty-three, fourteen hundred and twenty-four, sixteen hundred and one, sixteen hundred and three, seventeen hundred and seventy-nine, seventeen hundred and eighty-two, seventeen hundred and eighty-three, seventeen hundred and eighty-nine and twenty-six hundred and seventy-two. The commission shall be provided with quarters in the state house or elsewhere, and may expend, with the approval of the governor and council, for clerical and other services and expenses, such sums, not exceeding, in the aggregate, three thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved July 31, 1941.

RESOLVE IN FAVOR OF THE TOWN OF NORTH ATTLEBOROUGH. *Chap. 61*

Resolved, That, subject to appropriation and subject to the approval of the commissioner of public health, there shall be paid from the state treasury to the town of North Attleborough the sum of twenty-eight hundred and thirty-two dollars, as reimbursement to said town for money expended for the care and treatment of Eleanor Cronin, a ward of the commonwealth, at the North Reading state sanatorium and the Lakeville state sanatorium.

Approved August 1, 1941.

Chap. 62 RESOLVE RELATIVE TO A CERTAIN ACCOUNT OF THE BOARD OF STATE EXAMINERS OF PLUMBERS WITH THE COMMONWEALTH.

Resolved, That the board of state examiners of plumbers is hereby relieved from accounting to the state treasurer for the sum of forty-four dollars, the same being the amount of a deficit appearing in its accounts with the commonwealth from April thirtieth, nineteen hundred and twenty-nine, until April sixth, nineteen hundred and thirty-seven, as set forth in the report of the state auditor on his examination of the accounts of said board completed April sixth, nineteen hundred and thirty-seven.

Approved August 1, 1941.

Chap. 63 RESOLVE IN FAVOR OF BEATRICE H. DUGGAN OF WORCESTER.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and after an appropriation has been made therefor, there be allowed and paid out of the state treasury to Beatrice H. Duggan of Worcester the sum of six thousand dollars on account of the death of her daughter, Anne C. Duggan, a former employee of the Worcester state hospital, who died August twenty-seventh, nineteen hundred and forty, while submitting, at the request of officials of said hospital, to an experiment in pathology being conducted thereat by said officials under the direction of the Rockefeller Research Project. Said payment shall be in addition to any other payment of compensation to which said Beatrice H. Duggan is or may be entitled under the workmen's compensation law or any other provision of law. No payment shall be made hereunder until there shall have been filed with the comptroller an agreement signed by said Beatrice H. Duggan that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the amount paid hereunder.

Approved August 1, 1941.

Chap. 64 RESOLVE PROVIDING FOR PAYMENTS BY THE COMMONWEALTH OF CERTAIN SUMS OF MONEY AS FULL COMPENSATION FOR CERTAIN PROPERTY TAKEN BY THE COMMONWEALTH THROUGH ITS DEPARTMENT OF PUBLIC WORKS.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth, there be paid out of the appropriation made by item 2923-60 of the general appropriation act of the current year to the parties and in the amounts hereinafter specified, with the approval of the department of public works, as full compensation for certain property taken by eminent domain under chapter seventy-nine of the General Laws by the commonwealth through said department:

Names of Parties.	Amounts of Payments.
Agnes Doherty	\$3,000 00
Joseph E. Dowding	170 00
Estate of Mary E. Dowding	60 00
Pearl L. Livingston	170 00
William J. Pendergast	300 00

No payment shall be made hereunder to any party entitled thereto until such party shall have signed and filed with the comptroller an agreement that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum so payable to such party.

Approved August 1, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL UNPAID COMMISSION OF GROUP INSURANCE, SO CALLED, FOR PUBLIC EMPLOYEES. *Chap. 65*

Resolved, That a special unpaid commission, consisting of the commissioner of insurance, the commissioner of labor and industries, the state treasurer, and two persons to be appointed by the governor, of whom one shall be a county commissioner and one an officer or employee of a city, is hereby established for the purpose of making an investigation and study of current senate document numbered two hundred and twelve, relative to group life insurance and group accident and health insurance, and of current house document numbered thirteen hundred and ninety-one, relative to providing group insurance for members of duly organized associations of civil service employees, and for the purpose of making an investigation and study of group insurance for public employees providing for non-profit hospitalization, and providing for low cost medical care, including the advisability of legislation providing for pay roll deductions on account of any and all kinds of group insurance for such employees. Any of said members, other than the appointive members, if he so elects, may designate an officer or employee of his department to serve in his place on said commission. Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers; and may expend for necessary assistance and expenses such sums not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. The commission shall report to the general court the result of its investigations and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first, nineteen hundred and forty-two.

Approved August 2, 1941.

Chap. 66 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE RETIREMENT SYSTEMS OF THE COMMONWEALTH AND OF THE POLITICAL SUBDIVISIONS THEREOF.

Resolved, That a special unpaid commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation of the retirement systems of the commonwealth and of the political subdivisions thereof, with a view to co-ordinating said systems and making such other changes in the laws relative thereto as may be found necessary or advisable. For such purpose said commission may expend, with the approval of the governor and council, for expenses and for expert, actuarial, clerical and other assistance such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court its findings, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December in the year nineteen hundred and forty-two.

Approved August 2, 1941.

Chap. 67 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CERTAIN PRACTICES IN THE FISH INDUSTRY, RELATIVE TO THE TRANSPORTATION OF FISH AND OTHER FOOD STUFFS ON SUNDAYS, AND RELATIVE TO THE RENDERING OF COMMON CARRIER SERVICE TO THE PUBLIC AND THE OPERATION AND MAINTENANCE OF TERMINAL FACILITIES BY RAILROADS AND OTHERS ON SUNDAYS.

Resolved, That there is hereby established a special unpaid commission, consisting of three members of the senate to be designated by the president thereof, seven members of the house of representatives to be designated by the speaker thereof, and five persons to be appointed by the governor, for the purpose of making an investigation and study of the practices carried on in the fish industry on Sundays and at other times, with special reference to the marketing, distribution, unloading, warehousing and processing of fish, and of the transportation on Sundays of fish and other food stuffs. Said commission shall also make an investigation and study of the subject matter of current senate document numbered seven hundred and twenty-six, relative to the rendering of common carrier service to the public and the operation and maintenance of terminal facilities by railroads and others on Sundays. The said commission shall be

provided with quarters in the state house or elsewhere, shall hold such hearings as it may deem expedient, may require by summons the attendance and testimony of witnesses and may expend for clerical, expert and other expenses such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated. The commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of January, nineteen hundred and forty-two.

Approved August 2, 1941.

RESOLVE PROVIDING FOR THE PAYMENT FROM THE STATE TREASURY OF THE BALANCE OF THE ESTATE OF THE LATE MABEL GILLESPIE, WHICH HAS ESCHEATED TO THE COMMONWEALTH. *Chap. 68*

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth, under the direction of the attorney general, to the heirs at law or next of kin of the late Mabel Gillespie, who died in Boston on the twenty-fourth day of September, nineteen hundred and twenty-three, or to their lawful representatives, such sum, not exceeding one thousand one hundred ninety-five dollars and eighty-one cents, as may be found by the attorney general to have been paid into said treasury, as the balance of the assets belonging to the estate of Mabel Gillespie, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, or corresponding provisions of earlier laws, notwithstanding the expiration of the time limited by said section for the recovery of said sum. The payment of said sum shall be made only upon the filing with the comptroller of an agreement, signed by all persons entitled to payment hereunder, that the amount, if any, paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum. *Approved August 2, 1941.*

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION APPOINTED TO INVESTIGATE AND STUDY RELATIVE TO APPROPRIATING AND BUDGET PROCEDURE IN THE CITY OF BOSTON AND THE COUNTY OF SUFFOLK. *Chap. 69*

Resolved, That the special unpaid commission established by chapter forty-six of the resolves of nineteen hundred and thirty-nine is hereby revived and continued for the purpose of continuing its investigation and study relative to appropriating and budget procedure in the city of Boston and the county of Suffolk. Said commission shall make its final report to the general court of the results of its investigation and study hereunder, by filing the same with the clerk of the

house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two, and may also so report from time to time to the general court on or before said date whenever it deems such action advisable. Reports made hereunder shall include drafts of legislation necessary to carry into effect any recommendations for legislation contained therein.

Approved August 2, 1941.

Chap. 70 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO JUNIOR COLLEGES.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, with the advice and consent of the council, is hereby established for the purpose of making an investigation and study relative to junior colleges, with a view to determining to what extent, if any, the establishment and operation of such colleges should be further regulated by the commonwealth, and to determining whether such colleges should have power to grant educational degrees and, if so, what limitations and restrictions should be imposed on the granting of such degrees. For the purposes of this resolve, said commission may expend such sums, not exceeding, in the aggregate, one thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved August 2, 1941.

Chap. 71 RESOLVE PROVIDING FOR A STUDY AND INVESTIGATION BY A SPECIAL UNPAID COMMISSION RELATIVE TO WHAT LEGISLATION, IF ANY, MAY BE ADVISABLE IN ORDER TO REQUIRE THE OWNERS OF TENEMENTS AND OTHER DWELLINGS LEASED OR RENTED FOR HUMAN HABITATION TO BRING THEM UP TO CERTAIN STANDARDS TO PROMOTE THE HEALTH AND WELL BEING OF PERSONS RESIDING THEREIN AND RELATIVE TO LIMITED DIVIDEND CORPORATIONS UNDER THE CONTROL OF THE STATE HOUSING BOARD.

Resolved, That an unpaid special commission consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, five persons to be appointed by the governor, the chairman of the state planning board, the chairman of the state board of housing and the chief sanitary engineer of the department of public health is hereby authorized and directed to investigate the subject

matter of current senate document numbered four hundred and eighty-four, relating to determining what legislation is advisable in order to require the owners of tenements and other dwellings leased or rented for human habitation to bring them up to certain standards to promote the health and well being of persons residing therein, and of current house document numbered twenty-four hundred and two, relative to limited dividend corporations under the control of the state housing board. Said commission may require from the several departments, boards, commissions and officers of the commonwealth such information as it may desire in the course of its investigations.

Said commission shall be provided with quarters in the state house or elsewhere, may hold hearings, may require by summons the attendance and testimony of witnesses and the production of books and papers; and may expend for necessary assistance and expenses such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. The commission shall report to the general court the results of its investigations and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the year nineteen hundred and forty-two.

Approved August 4, 1941.

RESOLVE RELATIVE TO SUNDRY ACCOUNTS OF THE BOARD OF REGISTRATION OF HAIRDRESSERS WITH THE COMMONWEALTH. *Chap. 72*

Resolved, That the board of registration of hairdressers and its present and future secretaries are hereby relieved from accounting to the state treasurer for the sum of one thousand four hundred and eighty dollars, being the total amount of various deficits appearing in its accounts with the commonwealth, as found by the state auditor in his reports of November fourteenth, nineteen hundred and thirty-nine, and June tenth, nineteen hundred and forty, less the sum of one thousand five hundred dollars recovered from the surety on the bond of a former secretary of said board.

Approved August 4, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF MENTAL HEALTH RELATIVE TO THE ADVISABILITY AND EXPENSE OF ESTABLISHING A BUREAU FOR THE CARE OF INEBRIATES. *Chap. 73*

Resolved, That the department of mental health is hereby authorized and directed to investigate the advisability of establishing a bureau for the care of inebriates, and in connection therewith to consider the subject matter of current house document numbered two thousand and seven, relative to the establishment in the department of public health of a bureau for the care of inebriates. Said department of

mental health shall report to the general court the results of its investigation, and its recommendations, if any, together with estimates of cost and drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 9, 1941.

Chap. 74 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION OF THE LAWS RELATING TO PRIMARIES AND ELECTIONS, WITH A VIEW TO THEIR REVISION AND IMPROVEMENT, THE PUBLICATION OF REPORTS OF ELECTION CASES, AND RELATED MATTERS.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, with the advice and consent of the council, is hereby established for the purpose of inquiring into the laws of the commonwealth relating to primaries and elections, with a view to revising and perfecting the same, including the subject matter of current senate document numbered three hundred and eighty-one relative to the identification of voters and the form of the general register, and of current house document numbered seven hundred and twenty relative to a state wide verification of voting lists. Said commission shall also cause to be prepared and published an edition of the reports of such contested elections of the general court from the year nineteen hundred and twenty-two to the year nineteen hundred and forty-one, inclusive, as may be of value as precedents, with a suitable index thereto. The commission shall be provided with quarters in the state house, may hold hearings therein and elsewhere, and shall be entitled to receive the assistance of the state secretary and all other public officers. The commission may summon and examine witnesses and require by subpoena the production of books and papers, and may expend for clerical and other assistance such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may be appropriated therefor. The payment by said commission of compensation for services rendered to it in the preparation and publication of an edition of contested election cases, as provided by this resolve, shall not be subject to section twenty-one of chapter thirty of the General Laws. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday in December in the year nineteen hundred and forty-two.

Approved October 9, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL UNPAID COMMISSION RELATIVE TO THE SURVEY OF TRAFFIC CONGESTION IN AND IN THE VICINITY OF BOSTON AND THROUGHOUT THE COMMONWEALTH AND FOR PLANNING THE RELIEF THEREOF, AND RELATIVE TO CERTAIN MATTERS APPERTAINING TO MOTOR VEHICLES. Chap. 75

Resolved, That an unpaid special commission, consisting of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, one person to be appointed by the governor, the commissioner of public works, the mayor of the city of Boston or a person appointed by him, and the chairman of the metropolitan district commission or a person appointed by him, is hereby established for the purpose of making an investigation and study of traffic congestion in and in the vicinity of Boston and throughout the commonwealth. Said commission shall investigate and study the subject matter of all petitions for highway and other traffic improvements which were referred to the committee on highways and motor vehicles during the current session of the general court, and of the subject matter of current senate documents numbered seven hundred and thirty-eight and seven hundred and forty-six and of current house documents numbered five hundred and ninety, eleven hundred and seventy-seven, fourteen hundred and fifty-two, seventeen hundred and ninety-six, nineteen hundred and ninety-four, twenty hundred and thirty-three and twenty-one hundred and five. Said commission shall also study and investigate such other highway and traffic improvements related to the specific projects included within the subject matter of said petitions as it may deem necessary or desirable. Said commission, in carrying out its investigation and study hereunder, shall consider particularly as to whether public convenience requires the construction or carrying out of said proposed highway and other traffic improvements, or of any of them, and, if so, it shall determine as to each of said projects (1) the probable cost; (2) how the cost of said improvements, and of land takings, if necessary, therefor, should be apportioned; (3) by whom said improvements should be made; and (4) by whom said improvements should be maintained upon their completion. Said commission shall also consider the subject matter of current house documents numbered four hundred and eleven, four hundred and ninety-two, ten hundred and sixty-five, ten hundred and seventy-nine and seventeen hundred and thirty-three, relative to changing the registration year of motor vehicles, of current house document numbered ten hundred and sixty-one, relative to the maximum weights of certain vehicles, and of current house document numbered sixteen hundred and thirty-six, relative to public off-street parking facilities in the city of Boston, and it shall

investigate traffic conditions at the Groveland bridge, including the advisability of repairing said bridge or replacing it with a new bridge.

Said commission shall, within thirty days of its appointment, transmit to the state department of public works a list of projects designed to relieve or eliminate traffic congestion in and in the vicinity of Boston and elsewhere in the commonwealth. Said department, for the purpose of determining the projects to be planned under this paragraph, may, with the approval of the commission, omit or modify any of said projects or add thereto other projects designed to relieve such traffic congestion; and said department shall, as promptly as possible, prepare plans, specifications, detail of location and amount of necessary land takings or acquisitions, detailed cost of estimates, and all other things necessary or proper as a prerequisite to the actual construction of the projects so determined. Said department shall report in detail to said commission, on or before October first, nineteen hundred and forty-two, the material so prepared and its recommendations in regard thereto.

For the purpose of carrying out the provisions of this resolve, there may be expended such sums, not exceeding, in the aggregate, two hundred and fifty thousand dollars, as may be appropriated therefor from the Highway Fund, of which sums not more than two hundred and forty thousand dollars may be expended by said department of public works for engineering services and not more than ten thousand dollars may be expended by said commission for expenses and clerical and other assistance.

In addition to the expenditures hereinbefore authorized, the commonwealth may accept and use in connection with any work authorized by this resolve any federal funds or assistance granted or made available under any federal law or otherwise. Authority to make application for such federal funds or federal assistance, whether in relation to urgent improvements of highways strategically important from the standpoint of national defence, or otherwise, is hereby granted to said department of public works or to such other agency of the commonwealth as the governor may designate.

Said commission shall report to the general court its findings and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 10, 1941.

Chap. 76 RESOLVE PROVIDING FOR AN ANNUITY FOR WILLIAM H. PRATT OF MARSHFIELD, A FORMER MEMBER OF THE STATE POLICE.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, there be allowed and paid

out of the state treasury to William H. Pratt of Marshfield, formerly a member of the state police, who was injured in the performance of his duties as a member of the state police on June twenty-sixth, nineteen hundred and twenty-seven, an annuity of seven hundred and fifty dollars, payable in equal monthly instalments, for a period of five years commencing June first, nineteen hundred and forty-two. Said annuity shall cease upon the death of said Pratt if it occurs prior to the expiration of said period of five years. No payment shall be made hereunder until there has been filed with the comptroller an agreement signed by said William H. Pratt that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the maximum amount payable hereunder.

Approved October 10, 1941.

RESOLVE IN FAVOR OF ELIZABETH PARKER OF BOSTON, *Chap. 77*
MOTHER OF MARGARET PARKER.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth and after an appropriation has been made therefor, there be allowed and paid out of the state treasury under the direction of the attorney general to Elizabeth Parker of Boston the sum of three thousand dollars, as full compensation for the death of her daughter, Margaret Parker, formerly employed by the commonwealth. Said sum shall be paid in weekly instalments, beginning October first, nineteen hundred and forty-one, not exceeding one thousand dollars for the first payment and not exceeding ten dollars for each succeeding payment. No payment shall be made hereunder until there shall have been filed with the comptroller an agreement signed by said Elizabeth Parker that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved October 10, 1941.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE WILLIAM A. *Chap. 78*
JONES.

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the treasury of the commonwealth to the widow of the late William A. Jones, who died while a member of the present house of representatives, the balance of the compensation to which he would have been entitled for the current term for which he was elected had he lived and served until the end of said term. Said sum shall be paid from the amount appropriated by item 0101-03 of the general appropriation act of the current year.

Approved October 15, 1941.

Chap. 79 RESOLVE PROVIDING FOR THE PAYMENT FROM THE STATE TREASURY OF THE BALANCES OF THE ESTATES OF CERTAIN DECEASED PERSONS WHICH HAVE ESCHEATED TO THE COMMONWEALTH.

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth, under the direction of the attorney general, to the heirs at law or next of kin, or their lawful representatives, of each of the deceased persons hereinafter named, such sum, not exceeding the amount hereinafter specified, as may be found by the attorney general to have been paid into said treasury as the balance of the assets belonging to the estate of said deceased person, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, or corresponding provisions of earlier laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum: —

DECEASED PERSON.	Year and Place of Death.	Maximum Amount of Payment.
Catherine Clark	1929, Boston	\$5,641 53
Louis Johnson	1928, New Bedford	3,072 52
John J. Smith	1923, Lawrence	5,458 89
John W. Wilson	1921, Boston	3,443 99

No payment shall be made hereunder to the respective heirs at law or next of kin of any of said deceased persons until there shall have been filed with the comptroller an agreement signed by them, or their respective lawful representatives, that the amount, if any, paid or to be paid by them for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum payable to them.

Approved October 16, 1941.

Chap. 80 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO CERTAIN PROBLEMS ARISING FROM THE HOLDING OF PROPERTY IN THE COMMONWEALTH FOR PUBLIC PURPOSES.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, one member of the house of representatives to be designated by the speaker thereof, the senate and house chairmen of the committee on municipal finance and the committee on taxation, the commissioner of corporations and taxation and the chairman of the commission on administration and finance, is hereby established for the purpose of investigating the advisability of revising the laws of the commonwealth relative to the reimbursement of municipalities for loss of taxes by reason of lands therein owned by the commonwealth or a political subdivision thereof, or by any

other governmental unit, or changing the established practice of aiding municipalities in which the commonwealth or any of its political subdivisions acquire property for any purpose. In making said investigation the commission shall consider the subject matter of current house documents numbered thirty-nine, three hundred and four, three hundred and five and nine hundred and forty, and the subject of the investigation proposed by current house document numbered twenty-three hundred and thirty. Said commission shall also consider the subject matter of current house document numbered twenty-two hundred and thirty-five, relative to payments by the commonwealth to certain municipalities for certain school expenses incurred by them for the benefit of the children of certain state institutional employees. For the purposes of this resolve, said commission may expend for clerical and other services and expenses such sums, not exceeding, in the aggregate, five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before October thirty-first in the year nineteen hundred and forty-two.

Approved October 16, 1941.

RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL CONVENTION OF THE YANKEE DIVISION VETERANS ASSOCIATION TO BE HELD IN THE CITY OF SPRINGFIELD IN THE YEAR NINETEEN HUNDRED AND FORTY-TWO. *Chap. 81*

Resolved, That, in order that the commonwealth may be properly represented at the national convention of the Yankee Division Veterans Association to be held at Springfield in the year nineteen hundred and forty-two, after an appropriation therefor has been made, there may be expended for such purpose, with the approval and under the direction of the governor and council, a sum not exceeding three thousand dollars.

Approved October 16, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO PROVIDING FOR THE LICENSING AND REGULATION OF THE BUSINESS OF FINANCING INSURANCE PREMIUMS AND OF THE BUSINESS OF BUYING CONDITIONAL SALES AGREEMENTS OR LEASE AGREEMENTS, AND RELATIVE TO THE LAWS PERTAINING TO INSTALMENT AND CONDITIONAL SALES OF PERSONAL PROPERTY, AND RELATED MATTERS. *Chap. 82*

Resolved, That a special unpaid commission, consisting of one member of the senate to be designated by the president thereof, three members of the house of representatives to be

designated by the speaker thereof, one person to be appointed by the governor, the attorney general or an assistant attorney general to be designated by him, and the commissioner of banks or an assistant to be designated by him, is hereby established for the purpose of making an investigation relative to the advisability of providing for the licensing and regulation of the business of financing insurance premiums and of the business of buying conditional sales agreements or lease agreements, and an investigation of the laws pertaining to instalment and conditional sales of personal property, and related matters. In making its investigation hereunder, said commission shall consider so much of the governor's address (printed as current Senate Document No. 1) and of the report of the attorney general for the year ending November thirtieth, nineteen hundred and forty, (Public Document No. 12), as relates to the subject matter of this resolve, the subject matter of current senate documents numbered two hundred and sixty, two hundred and sixty-one, three hundred and ninety-three and of current house documents numbered ninety-seven, three hundred and fifteen, eight hundred and ten, eight hundred and fifteen, eight hundred and sixteen and seventeen hundred and eighty-four. Said commission shall be provided with quarters in the state house or elsewhere, shall hold hearings and may expend, after an appropriation has been made therefor, for clerical and other services and expenses, such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may be approved by the governor and council. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December in the year nineteen hundred and forty-two.

Approved October 16, 1941.

Chap. 83 RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE SALE OF WATER BY THE TOWN OF DANVERS TO THE DANVERS STATE HOSPITAL.

Resolved, That the commission on administration and finance is hereby authorized and directed to make an investigation relative to the sale of water by the town of Danvers to the Danvers state hospital. In making its investigation hereunder, said commission shall consider the subject matter of chapter two hundred and twenty-four of the acts of eighteen hundred and seventy-six, chapter three hundred and ninety-four of the acts of nineteen hundred and twenty, chapter three hundred and fifty-seven of the acts of nineteen hundred and thirty-nine, and current house document numbered fifteen hundred and twelve, and also the contract entered into between the town of Danvers and the Danvers

state hospital under the provisions of said chapter two hundred and twenty-four of the acts of eighteen hundred and seventy-six, the decision of the supreme judicial court relative thereto, entitled "Selectmen of Danvers *vs.* Commonwealth" (184 Mass. Reports, 502), and all other circumstances related to the cost of and price charged to the commonwealth for water supplied by said town of Danvers to said Danvers state hospital. Said commission may expend, in carrying out its investigation hereunder, such amounts as may be hereafter appropriated therefor. Said commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 17, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY
A SPECIAL COMMISSION RELATIVE TO INTERGOVERNMENTAL
RELATIONS. *Chap. 84*

Resolved, That an unpaid special commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the co-related functions and activities of the federal, state, county, city, town and district governments, with a view to determining to what extent problems and difficulties have arisen in connection with such functions and activities and to recommending such changes in the laws of this commonwealth or in the federal laws as may be necessary or desirable to settle such problems and remove such difficulties. Said commission, in making its investigation and study hereunder, shall consider the subject matter of the investigations and studies proposed by current house documents numbered eighteen hundred and one, twenty-six hundred and sixty-four and twenty-seven hundred and one, and the subject matter of current house document numbered eight hundred and thirty-seven. Said commission may call upon officials of the commonwealth and its political subdivisions for such information as it may desire in the course of its investigation and study. It shall be provided with quarters in the state house or elsewhere, shall have the power to summon witnesses and to require the production of books, records and papers and the giving of testimony under oath, and it may expend for clerical and other services and expenses such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of

its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry into effect its recommendations in so far as they relate to changes in the laws of this commonwealth, by filing the same with the clerk of the house of representatives as soon as may be, but not later than the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 17, 1941.

Chap. 85 RESOLVE PROVIDING FOR A SURVEY BY THE DIVISION OF PERSONNEL AND STANDARDIZATION OF OFFICES AND POSITIONS WITHIN THE CLASSIFIED SERVICE OF THE COMMONWEALTH WITH RESPECT TO THE CLASSIFICATION THEREOF AND THE SALARY RANGES APPERTAINING THERETO.

Resolved, That the division of personnel and standardization is hereby authorized and directed to make a survey of all offices and positions within the classified service of the commonwealth with a view to recommending such changes in the classification of such offices and positions and in the salary ranges appertaining thereto as it may deem advisable. Said division, in making its survey hereunder, may consider the subject matter of current senate document numbered two hundred and seventy-seven and of current house documents numbered eight hundred and eighty-seven, nine hundred and eighty-seven, twelve hundred and forty-four, fourteen hundred and eighty-two and twenty-four hundred and seventy. It shall report its recommendations hereunder to the commission on administration and finance as soon as may be.

Approved October 17, 1941.

Chap. 86 RESOLVE RELATIVE TO CERTAIN HARBOR AND WATERWAY IMPROVEMENTS.

Resolved, That, subject to the conditions hereinafter imposed, the following projects for the improvement of harbors and waterways in the commonwealth, when adopted by the congress of the United States and when federal funds are available therefor, are hereby authorized: — Annisquam River, Gloucester; Stage Harbor, Chatham; Cohasset Harbor, Cohasset; Newburyport Harbor, Newburyport; Plymouth Harbor, Plymouth; Wellfleet Harbor, Wellfleet; Weymouth Back River, Weymouth. Subject to appropriation, the department of public works is hereby authorized to pay to the secretary of war of the United States on his demand the contribution required from local interests, as specified by the congress with respect to each project, and to give to said secretary of war the assurances required for such project; provided, that in each instance the municipality in which the project lies shall have deposited with the state treasurer one half of such contribution and assumed

liability, in the manner provided by section twenty-nine of chapter ninety-one of the General Laws, for all damages that may be incurred under said project, and has given to said department of public works satisfactory assurances that conditions imposed upon such municipality or other local interests with respect to such project will be met.

Approved October 17, 1941.

RESOLVE PROVIDING FOR A PROPER REPRESENTATION OF THE COMMONWEALTH AT THE NATIONAL CONVENTION OF THE UNITED SPANISH WAR VETERANS IN THE YEAR NINETEEN HUNDRED AND FORTY-THREE IN THE EVENT THAT THE SAME IS HELD IN THE CITY OF BOSTON. *Chap. 87*

Resolved, That, in order that the commonwealth may be properly represented on the occasion of the national convention of the United Spanish War Veterans in the year nineteen hundred and forty-three, if held in the city of Boston as anticipated, and in such case to ensure, in arranging entertainments and other events in connection therewith, proper co-operation between the department of Massachusetts, United Spanish War Veterans and the commonwealth, after an appropriation therefor has been made, and if such convention is to be held in said city as aforesaid, there may be expended, with the approval and under the direction of the governor and council, a sum not exceeding ten thousand dollars.

Approved October 23, 1941.

RESOLVE PROVIDING FOR PAYMENTS BY THE COMMONWEALTH OF CERTAIN SUMS AS FULL COMPENSATION FOR CERTAIN WORK PERFORMED FOR, AND CERTAIN MATERIALS FURNISHED TO, THE COMMONWEALTH. *Chap. 88*

Resolved, That, for the purpose of discharging an obligation of the commonwealth, there be paid from the state treasury, out of the money appropriated by item one hundred and thirty-one A appearing in section two of chapter five hundred and seven of the acts of nineteen hundred and thirty-eight and made available for expenditure by section four of said chapter five hundred and seven, to the parties and in the amounts hereinafter specified, said amounts being the amounts determined to be due said parties for work performed by them on certain property of the commonwealth made necessary by the hurricane and floods of September, nineteen hundred and thirty-eight, or for materials furnished in connection with said work.

NAMES OF PARTIES.	Where Work was Done.	Amounts of Payments.
M. S. Kelliher Co.	East Boston Airport	\$3,607 00
	Natick Armory	2,000 00
	Natick Military Depot	4,800 00
	Newton Armory	45 00
Jacob Hurwitz	Orange Armory	10,100 00
Edward J. Thornton	East Armory (Boston)	270 00
John F. Shea & Co.	Commonwealth Armory	4,275 00
	Malden Armory	85 00
Arthur M. Tobin	Chelsea Armory	125 00
	Camp Curtis Guild	6,025 00
	Fitchburg Armory	1,125 00
Martin W. Ryan	Marlborough Armory	1,325 00
J. C. Roy & Sons Co.	North Adams Armory	1,275 00
	Adams Armory	5,500 00
John F. Hynes	Hudson Armory	360 00
	Attleboro Armory	225 00
	Clinton Armory	239 00
Michael Racioppi	Lawrence Armory	146 50
	Frammingham Armory	3,450 00
	Woburn Armory	545 00
	Wakefield Armory	750 00
Henry Shields	Commonwealth Armory	3,000 00
	East Armory (Boston)	925 00
	South Armory (Boston)	2,800 00
	Cambridge Armory	3,450 00
Ernest F. Carlson, Inc.	Springfield Armory	2,620 00
	Westfield Armory	285 00
Martin Kelly	Worcester Armory	2,500 00
Henry Baker Co.	Holyoke Armory	250 00
Bennett A. Cantwell, doing business under the name of P. J. Cantwell & Sons.	Charlestown Armory	1,550 00
	Concord Armory	310 00
	Everett Armory	1,350 00
	Stoneham Armory	545 00
Albert J. Carson	Pittsfield Armory	685 00
	Greenfield Armory	250 00

No payment of any sum shall be made hereunder to any person entitled thereto until such person shall have signed and filed with the comptroller an agreement that said sum is in full satisfaction of any and all claims such person may have for work on property of the commonwealth as hereinbefore set forth made necessary by said hurricane and floods, and performed by him, or for necessary materials furnished by him in connection therewith, as the case may be, and that the amount, if any, paid or to be paid by him for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum payable to him hereunder.

Approved October 23, 1941.

Chap. 89 RESOLVE RELATIVE TO THE EXPENSE OF A PROCEEDING FOR A JUDICIAL DETERMINATION OF CERTAIN POWERS AND DUTIES OF THE TRUSTEES OF THE BOSTON ELEVATED RAILWAY COMPANY, AND RELATIVE TO JURISDICTION OF ANY SUCH PROCEEDING.

Resolved, That the department of public utilities, under the direction of the attorney general, may expend, for the purpose of bringing a proceeding at law or in equity seeking a declaratory judgment, order or decree interpreting the provisions of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen, as amended,

pertinent to the authority of the board of trustees of the Boston Elevated Railway Company to make certain charges to the cost of service and their accounting duties incidental to such charges, or such other proceeding at law or in equity as said department and the attorney general deem advisable for the purpose of having a judicial determination of the powers and duties of said trustees under said chapter or otherwise, sums not exceeding, in the aggregate, seventy-five thousand dollars, which sum is hereby appropriated from the general fund or revenue of the commonwealth, and sums so expended shall be assessed upon the cities and towns in which the company operated in the year nineteen hundred and forty, in the same proportion and in the same manner in which the deficiency paid by the commonwealth to said company was assessed upon them in said year. The supreme judicial court and the superior court shall have concurrent jurisdiction of any proceeding brought under authority of this resolve.

Approved October 27, 1941.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE CHARLES H. ROBERTS, JR. *Chap. 90*

Resolved, That, for the purpose of promoting the public good, there be allowed and paid out of the state treasury to the widow of the late Charles H. Roberts, Jr., who died while a member of the present house of representatives, the balance of the salary to which he would have been entitled for the current session had he lived and served until the end of said session. Said sum shall be paid from the amount appropriated by item 0101-03 of section two of chapter four hundred and nineteen of the acts of the current year.

Approved October 28, 1941.

RESOLVE PROVIDING FURTHER FOR AN INVESTIGATION RELATIVE TO THE USE BY ADDITIONAL MUNICIPALITIES OF THE QUABBIN RESERVOIR FOR WATER SUPPLY PURPOSES, AND RELATIVE TO THE RELATION OF THE CITY OF BOSTON TO AND ITS SHARE OF THE EXPENSES OF THE METROPOLITAN DISTRICT COMMISSION. *Chap. 91*

Resolved, That a special unpaid commission consisting of one member of the senate to be appointed by the president, three members of the house of representatives to be appointed by the speaker, three persons to be appointed by the governor, the chairman of the metropolitan district commission or some person designated by him, and the commissioner of public health or some person designated by him, is hereby established to make an investigation of the subject matter of so much of the governor's address, printed as current senate document No. 1, as relates to the use by additional municipalities of the Quabbin Reservoir for water supply purposes and so much thereof as relates to the relation of the city of Boston to, and its share of the expenses of,

the metropolitan district commission. Said special commission may hold hearings and may expend for technical, clerical and other services and expenses a sum not exceeding three thousand dollars. The comptroller is hereby authorized to certify for payment liabilities, not exceeding said sum, incurred by the commission in anticipation of the receipt of an assessment which the state treasurer is hereby authorized and directed to assess on the cities and towns of the metropolitan water district in the year nineteen hundred and forty-two as a part of the cost of the maintenance of said district. Said special commission shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two. Chapter forty-five of the resolves of the current year is hereby repealed.

Approved October 29, 1941.

Chap. 92 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY DURING THE RECESS OF THE GENERAL COURT BY THE COMMITTEE ON THE JUDICIARY RELATIVE TO THE DISTRICT COURT SYSTEM OF THE COMMONWEALTH.

Resolved, That the committee on the judiciary is hereby authorized to sit during the recess of the general court to make an investigation and study of the district court system of the commonwealth, including the municipal court of the city of Boston, with a view to recommending such changes in said system as it may deem necessary or desirable. In making its investigation and study hereunder, said committee shall consider the subject matter of current house document numbered twenty-seven hundred and seventy. Said committee may expend for expenses and clerical and other assistance such sums, not exceeding, in the aggregate, three hundred dollars, as may hereafter be appropriated therefor. Said committee shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 30, 1941.

Chap. 93 RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO ADDITIONAL SEWERAGE WORKS FOR THE SOUTH METROPOLITAN SEWERAGE SYSTEM IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AND THE TOWN OF MILTON.

Resolved, That the metropolitan district commission and the department of public health, acting as a joint board, are hereby authorized and directed to make an investigation

relative to the advisability of providing for the construction of a main sewer or sewers, with sewer connections and other works, in the Dorchester district of the city of Boston and in the town of Milton, from a point near Butler street in said Dorchester district and thence southerly to a point in the vicinity of Adams and Squantum streets in said town of Milton, thence by force main to the south metropolitan high level sewer, or such other improvements in the south metropolitan sewerage system as may be necessary for improving the sewerage works within said areas. Said board shall report to the general court its findings, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December in the year nineteen hundred and forty-two.

Approved October 30, 1941.

RESOLVE IN FAVOR OF WILLIAM W. DRUMMEY OF BOSTON. *Chap. 94*

Resolved, That, for the purpose of discharging an obligation of the commonwealth, there be paid from the state treasury, out of the money appropriated by item one hundred and thirty-one A of section two of chapter five hundred and seven of the acts of nineteen hundred and thirty-eight and made available for expenditure by section four of said chapter five hundred and seven, to William W. Drummey of Boston the sum of four thousand seven dollars and fifty-five cents, being the amount determined to be due said Drummey under the terms of a certain authorization or of an agreement between the commonwealth and him for services rendered in connection with work performed on certain property of the commonwealth made necessary by the hurricane and floods of September, nineteen hundred and thirty-eight. No payment shall be made hereunder until said Drummey shall have signed and filed with the comptroller an agreement that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the sum payable hereunder, nor until said Drummey shall execute and file with the comptroller a release, satisfactory in form to the attorney general, in full satisfaction of all claims asserted by him for compensation for services under said authorization or agreement and for which legal proceedings may be pending upon the effective date of this resolve.

Approved October 30, 1941.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION OF THE LEGISLATIVE SYSTEM AND PROCEDURE OF THE COMMONWEALTH. *Chap. 95*

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, three members of the house of representatives

to be designated by the speaker thereof, and two persons to be appointed by the governor, with the advice and consent of the council, is hereby established for the purpose of making an investigation and study of the legislative system and procedure of the commonwealth. For said purposes said commission may expend such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated therefor.

Said commission shall be provided with quarters in the state house or elsewhere, may hold public hearings, may require by summons the attendance of witnesses and the production of books, papers and documents, and may require the assistance of any officer or employee of the commonwealth in connection with the purposes of this resolve. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 31, 1941.

Chap. 96 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY
RELATIVE TO THE REVENUE OF THE COMMONWEALTH
FROM HORSE AND DOG RACING MEETINGS.

Resolved, That the commissioner of corporations and taxation, the chairman of the commission on administration and finance, and one person, who shall not be the holder of any elective public office, to be appointed by the governor, acting jointly, are hereby authorized and directed to make an investigation and study of the sums payable to the state racing commission by persons licensed under chapter one hundred and twenty-eight A of the General Laws to conduct horse or dog racing meetings, other than licensees holding such racing meetings in connection with a state or county fair. They shall consider whether the aforesaid payments are just and reasonable and best adapted to serve the revenue requirements of the commonwealth. They shall make all necessary examinations and inquiries and obtain information with respect to the operations of horse or dog racing meetings held outside the commonwealth by which the revenues derived from pari-mutuel wagering within the commonwealth might be affected. They shall also consider the probable effect, upon the gross volume of business of racing meetings held under said chapter one hundred and twenty-eight A and upon the revenue of the commonwealth, of any changes in the provisions of said chapter relating to the aforesaid payments. They may hold hearings and may require by summons the attendance and testimony of witnesses and the production of books and papers and may administer oaths. For the purposes of this resolve they may expend such sums, not exceeding two thousand dollars, as

may hereafter be appropriated therefor. They shall report to the general court the results of their investigation and study, and their recommendations, if any, together with drafts of legislation necessary to carry their recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the year nineteen hundred and forty-two.

Approved October 31, 1941.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

PROPOSAL FOR A LEGISLATIVE AMENDMENT OF THE CONSTITUTION TO PROVIDE THAT THE GENERAL COURT MAY PRESCRIBE THE TERMS AND CONDITIONS UNDER WHICH PARDONS OF OFFENCES WHICH ARE FELONIES MAY BE GRANTED.

Proposed amendment to the constitution to provide that the general court may prescribe the terms and conditions under which pardons of offences which are felonies may be granted.

A joint session of the Senate and House of Representatives hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution, if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following:

ARTICLE OF AMENDMENT.

Article VIII of section I of chapter II of Part the Second of the Constitution of the Commonwealth is hereby annulled and the following is adopted in place thereof:—

ART. VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council, provided, that if the offence is a felony the general court shall have power to prescribe the terms and conditions upon which a pardon may be granted; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IN JOINT SESSION, July 8, 1941.

Certified to the secretary of the commonwealth and referred to the next general court.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, the said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

IRVING N. HAYDEN,
Clerk of the Joint Session.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

PROPOSAL FOR A LEGISLATIVE AMENDMENT OF THE CONSTITUTION TO PROVIDE FOR A FAIR, CONCISE SUMMARY, INSTEAD OF A DESCRIPTION, OF EACH PROPOSED AMENDMENT TO THE CONSTITUTION AND EACH LAW SUBMITTED TO THE PEOPLE, UNDER THE INITIATIVE AND THE REFERENDUM, AND CERTAIN CHANGES RELATIVE TO THE FILING OF INITIATIVE PETITIONS.

A joint session of the Senate and House of Representatives hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution, if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following:

ARTICLE OF AMENDMENT.

SECTION 1. Article XLVIII of the amendments to the constitution is hereby amended by striking out section three, under the heading "THE INITIATIVE. II. *Initiative Petitions.*", and inserting in place thereof the following: — *Section 3. Mode of Originating.* — Such petition shall first be signed by ten qualified voters of the commonwealth and shall be submitted to the attorney-general not later than the first Wednesday of the August before the assembling of the general court into which it is to be introduced, and if he shall certify that the measure and the title thereof are in proper form for submission to the people, and that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections, and that it contains only subjects not excluded from the popular initiative and which are related or which are mutually dependent, it may then be filed with the secretary of the commonwealth. The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary, as determined by the attorney-general, of the proposed measure as such summary will appear on the ballot together with the names and residences of the first ten signers. All initiative petitions, with the first ten signatures attached, shall be filed with the secretary of the commonwealth not earlier than the first Wednesday of the September before the assembling of the general court

Proposed amendment to the constitution to provide for a fair, concise summary, instead of a description, of each proposed amendment to the constitution and each law submitted to the people, under the initiative and the referendum, and certain changes relative to the filing of initiative petitions.

into which they are to be introduced, and the remainder of the required signatures shall be filed not later than the first Wednesday of the following December.

SECTION 2. Section three of that part of said Article XLVIII, under the heading "THE REFERENDUM. *III. Referendum Petitions.*", is hereby amended by striking out the words "The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a description of the proposed law as such description will appear on the ballot together with the names and residences of the first ten signers.", and inserting in place thereof the words "The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed law as such summary will appear on the ballot together with the names and residences of the first ten signers."

SECTION 3. Section four of that part of said Article XLVIII, under the heading "THE REFERENDUM. *III. Referendum Petitions.*", is hereby amended by striking out the words "The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a description of the proposed law as such description will appear on the ballot together with the names and residences of the first ten signers.", and inserting in place thereof the words "The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed law as such summary will appear on the ballot together with the names and residences of the first ten signers."

SECTION 4. Said Article XLVIII is hereby further amended by striking out, under the heading "GENERAL PROVISIONS", all of subheading "*III. Form of Ballot.*" and all of subheading "*IV. Information for Voters.*", and inserting in place thereof the following:—

III. Form of Ballot.

A fair, concise summary, as determined by the attorney general, subject to such provision as may be made by law, of each proposed amendment to the constitution, and each law submitted to the people, shall be printed on the ballot, and the secretary of the commonwealth shall give each question a number and cause such question, except as otherwise authorized herein, to be printed on the ballot in the following form:—

In the case of an amendment to the constitution: Do you approve of the adoption of an amendment to the constitution summarized below, (here state, in distinctive type, whether approved or disapproved by the general court, and by what vote thereon)?

YES.	
NO.	

(Set forth summary here)

In the case of a law: Do you approve of a law summarized below, (here state, in distinctive type, whether approved or disapproved by the general court, and by what vote thereon)?

YES.	
NO.	

(Set forth summary here)

IV. Information for Voters.

The secretary of the commonwealth shall cause to be printed and sent to each registered voter in the commonwealth the full text of every measure to be submitted to the people, together with a copy of the legislative committee's majority and minority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of the general court on the measure, and a fair, concise summary of the measure as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent to the voters other information and arguments for and against the measure.

IN JOINT SESSION, July 8, 1941.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, the said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

Certified to the secretary of the commonwealth and referred to the next general court.

IRVING N. HAYDEN,
Clerk of the Joint Session.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

PROPOSAL FOR A LEGISLATIVE AMENDMENT OF THE CONSTITUTION PROVIDING FOR ABSENT VOTING BY QUALIFIED VOTERS WHO BY REASON OF PHYSICAL DISABILITY ARE UNABLE TO VOTE IN PERSON.

Proposed amendment to the constitution providing for absent voting by qualified voters who by reason of physical disability are unable to vote in person.

A joint session of the Senate and House of Representatives hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution, if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following:

ARTICLE OF AMENDMENT.

Article XLV of the articles of amendment is hereby annulled and the following is adopted in place thereof:—

Article XLV. The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by qualified voters of the commonwealth who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling places.

IN JOINT SESSION, July 8, 1941.

Certified to the secretary of the commonwealth and referred to the next general court.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, the said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

IRVING N. HAYDEN,
Clerk of the Joint Session.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

PROPOSAL FOR A LEGISLATIVE AMENDMENT OF THE CONSTITUTION RESTORING ANNUAL SESSIONS OF THE GENERAL COURT AND AN ANNUAL BUDGET.

A joint session of the Senate and House of Representatives hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution, if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following:

Proposed amendment to the constitution restoring annual sessions of the general court and an annual budget.

ARTICLE OF AMENDMENT.

Article LXXII of the amendments to the constitution providing for biennial sessions of the general court and a biennial budget is hereby annulled, and all provisions of this constitution and of the amendments thereto which were annulled or affected by said Article shall have the same force and effect as though said Article had not been adopted.

IN JOINT SESSION, July 8, 1941.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, the said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

Certified to the secretary of the commonwealth and referred to the next general court.

IRVING N. HAYDEN,
Clerk of the Joint Session.

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY,
BOSTON, August 6, 1941.

Initiative petition filed to allow physicians to provide medical contraceptive care to married persons for the protection of life or health.

Pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, "The Initiative. II. Initiative Petitions. Section 3", an initiative petition was filed in this office September 4, 1940, signed by ten qualified voters together with the certification of the Attorney General that the measure was in proper form for submission to the people, and the remainder of more than the required number of qualified voters (44,565) was filed December 4, 1940, representing that there was need for legislation, either by the general court or by the people, to allow physicians to provide medical contraceptive care to married persons for the protection of life or health, accompanied by a Bill entitled, "An Act to allow physicians to provide medical contraceptive care to married persons for the protection of life or health."

Under date of January 1, 1941, said petition was transmitted by this office to the Clerk of the House of Representatives and was thereby deemed to be introduced and pending in the general court.

The general court at its biennial session of 1941, after due consideration of the petition and its accompanying Bill (House document No. 2035) failed to enact the law in the form in which it appeared with the petition, or a law in any form. The committee on public health of the general court filed a majority and minority report which was printed as House document No. 2539 for the year 1941.

Said petition was completed by the acceptance in this office August 6, 1941, of a sufficient number (7,566) of additional signatures of qualified voters of the Commonwealth, and said law will be submitted for approval or disapproval by the people at the state election, November 3, 1942.

FREDERIC W. COOK,
Secretary of the Commonwealth.

Submission to voters.

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY,
BOSTON, August 6, 1941.

Pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, "The Initiative. II. Initiative Petitions. Section 3", an initiative petition was filed in this office November 6, 1940, signed by ten qualified voters together with the certification of the Attorney General that the measure was in proper form for submission to the people, and the remainder of more than the required number of qualified voters (24,190) was filed December 4, 1940, representing that there was need for legislation, either by the general court or by the people, to provide for a state fund for workmen's compensation, accompanied by a Bill entitled, "An Act providing for a state fund for workmen's compensation."

Initiative petition filed to provide for a state fund for workmen's compensation.

Under date of January 1, 1941, said petition was transmitted by this office to the Clerk of the House of Representatives and was thereby deemed to be introduced and pending in the general court.

The general court at its biennial session of 1941, after due consideration of the petition and its accompanying Bill (House document No. 2034) failed to enact the law in the form in which it appeared with the petition, or a law in any form. The committee on state administration of the general court filed a majority and minority report which was printed as Senate document No. 704 for the year 1941.

Said petition was completed by the acceptance in this office August 6, 1941, of a sufficient number (11,203) of additional signatures of qualified voters of the Commonwealth, and said law will be submitted for approval or disapproval by the people at the state election, November 3, 1942.

Submission to voters.

FREDERIC W. COOK,
Secretary of the Commonwealth.

NUMBER OF ACTS AND RESOLVES APPROVED,
AND LIST OF ACTS VETOED BY THE GOV-
ERNOR AND PASSED OVER HIS VETO AND
ACT DECLARED EMERGENCY LAW BY THE
GOVERNOR UNDER AUTHORITY OF THE
CONSTITUTION.

The general court, during its biennial session held in 1941, passed 729 Acts and 96 Resolves, which received executive approval.

The governor returned 27 Acts and 1 Resolve with his objections thereto in writing. Upon 25 Acts and 1 Resolve his objections were sustained.

Twenty-five (25) Acts entitled, respectively, "An Act providing that applicants for examination for admission to the bar shall not be restricted as to the number of examinations which they may take"; "An Act authorizing the town of Belmont to pension Arthur E. Hough"; "An Act further regulating fees for the filing of petitions for admission as attorneys at law"; "An Act authorizing the use of facsimiles of the seal of the commonwealth on bonds and notes of the commonwealth"; "An Act to authorize the town of Brookline to pay Thomas E. Fitzgerald for certain expenses incurred by reason of injuries received by him when struck by a baseball in the performance of his duties as baseball coach for Brookline High School"; "An Act relative to the board of health in the city of Fall River"; "An Act further regulating the number of licenses that may be issued in cities and towns for the sale of alcoholic beverages"; "An Act extending the scope of provisions of law concerning assets of an insurance company credited in the account of its financial condition"; "An Act establishing the office of third assistant clerk of the municipal court of the Dorchester district"; "An Act requiring the lessors of motor vehicles under the drive-it-yourself system or similar systems to provide certain liability insurance against property damage"; "An Act relative to the payment by the commonwealth of certain expenses in making forecasts and estimates of probable new construction expenditures"; "An Act relative to abandoned lots in cemeteries"; "An Act authorizing the appointment in the cities of Lynn and Marlborough of additional temporary reserve police during the period of the national emergency"; "An Act establishing a forty-eight hour week for certain employees of institutions of certain cities and towns"; "An Act relative to the granting of one day off in every six days for police officers

of certain cities and towns"; "An Act further regulating the hours of labor of certain minors in bowling alleys during certain months"; "An Act providing for the construction by the metropolitan district commission of a fence along portions of the banks of the Neponset river in the Hyde Park section of the city of Boston"; "An Act to require the licensing and supervision by the Division of Insurance of organizations engaged in servicing or settling personal injury accidents or claims of employees"; "An Act further regulating the operation in this commonwealth of motor vehicles and trailers owned by certain non-residents"; "An Act providing for the maintenance, during the years nineteen hundred and forty-one and nineteen hundred and forty-two, by the metropolitan district commission of the bath house at Gerry's Landing in the city of Cambridge"; "An Act authorizing the city of Boston to increase the amount of annuity payable by it to the widow of Thomas J. Stevens"; "An Act requiring the metropolitan district water supply commission to pay a certain sum of money to Guy Marvel of Petersham"; "An Act allowing members of the division of state police one day off in every seven and one additional night off in each week without loss of compensation, and defining the terms 'Day Off' and 'Night Off' for such purposes"; "An Act providing for the reimbursement by the commonwealth of municipalities for the loss of taxes on land acquired by the United States for certain flood control projects"; "An Act relative to interest on special assessments under general and certain special laws"; and one (1) Resolve entitled "Resolve providing for an investigation by the attorney general and the commission on administration and finance relative to payments by the commonwealth for certain work performed on property of the commonwealth in addition to that made necessary by the hurricane and floods of September, nineteen hundred and thirty-eight, and for materials furnished in connection with said additional work" were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, and the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were rejected, and said acts and resolve thereby became void.

Two (2) Acts entitled, respectively, "An Act further regulating the hours of duty of permanent members of fire departments in certain cities and towns" (Chapter 638) and "An Act establishing an old age assistance fund and making certain miscellaneous changes in the old age assistance law, so called" (Chapter 729) were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the constitution, and the vote being taken on their passage, the objections of the governor thereto notwithstanding,

they were passed, and said acts have thereby the force of law.

"An Act making appropriations for the maintenance of departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements, and for certain permanent improvements" was returned June 26, 1941, by the governor to the house of representatives, the branch in which said bill originated, with his objections in writing to the following items therein:—

Item #1314-00 reduced for the year 1941 to \$55,000, and for the year 1942 to \$.00; Item #1314-21 reduced for the year 1941 to \$1,200 and for the year 1942 to \$.00.

Item #0801-02 returned with the recommendation that it be amended and then reduced as follows: "For the compensation of assistants in his office and for such other legal and personal services as may be required, including not more than thirty-six permanent positions and excluding therefrom any compensation for a cashier for which no appropriation is made, to be reduced for the year 1941 from \$124,000 to \$122,250 and for 1942 from \$124,000 to \$120,500."

The vote being taken July 2, 1941, on Item #0801-02, the house refused to sustain the objection of the governor by reason of a ruling by the speaker on a point of order that said item was not properly before the house.

The vote being taken July 3, 1941, on the passage of Items #1314-00 and #1314-21, the objections of the governor thereto were sustained, the house having refused, in each instance, to pass the same.

The remainder of the bill (Chapter 419) was approved by the governor June 26, 1941.

One (1) Act entitled "An Act to make records relating to old age assistance, aid to dependent children and aid to the blind confidential, to prohibit the misuse of such records, to create a penalty for such misuse and to provide that the laws concerning the confidential nature of such records may be extended to apply to records relating to general public assistance" (Chapter 630) was declared to be an emergency law by the governor in accordance with the provisions of the forty-eighth amendment to the Constitution "The Referendum. II. Emergency Measures". Said Chapter 630 thereby took effect at 3.20 P.M. on August 21, 1941.

The general court was prorogued on Saturday, November 1, 1941, at twelve o'clock and thirteen minutes, A.M., the session having occupied 305 days.

ACTS

PASSED BY THE

General Court of Massachusetts

AT A

SPECIAL SESSION

1942

CONVENED ON MONDAY, THE TWENTY-SIXTH DAY OF
JANUARY, AND PROROGUED ON SATURDAY, THE
THIRTY-FIRST DAY OF JANUARY, 1942

ACTS, SPECIAL SESSION, 1942.

AN ACT CHANGING THE NAME OF THE MASSACHUSETTS NAUTICAL SCHOOL TO THE MASSACHUSETTS MARITIME ACADEMY. Chap. 1

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ratify immediately the change of name of the Massachusetts Nautical School in order to comply with certain federal requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The name of the Massachusetts Nautical School is hereby changed to the Massachusetts Maritime Academy. Massachusetts Maritime Academy.

SECTION 2. Section nineteen of chapter fifteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "nautical school" and inserting in place thereof the words: — maritime academy, — so as to read as follows: — *Section 19.* The trustees of the Massachusetts state college, the board of commissioners of the Massachusetts maritime academy, the trustees of the Bradford Durfee textile school of Fall River, the trustees of the Lowell textile institute and the trustees of the New Bedford textile school shall serve in the department. G. L. (Ter. Ed.), 15, § 19, amended.

Certain trustees, etc., serving in the department.

SECTION 3. The titles preceding section twenty-two of said chapter fifteen and section forty-nine of chapter seventy-four of the General Laws, both as appearing in the Tercentenary Edition, are respectively changed to Massachusetts Maritime Academy. Certain titles changed.

SECTION 4. Said section twenty-two, as so appearing, is hereby amended by striking out, in the second line, the words "nautical school" and inserting in place thereof the words: — maritime academy, — so as to read as follows: — *Section 22.* There shall be a board of commissioners of the Massachusetts maritime academy serving in the department and consisting of three citizens of the commonwealth, one of whom shall annually before July first be appointed by the governor, with the advice and consent of the council, for three years from said day. G. L. (Ter. Ed.), 15, § 22, amended.

Commissioners of the Massachusetts maritime academy.

G. L. (Ter. Ed.), 74, § 49, amended.

Commissioners to provide and maintain a nautical school.

G. L. (Ter. Ed.), 74, § 53, amended.

Annual report.

G. L. (Ter. Ed.), 149, § 36, amended.

Eight hour day not applicable in certain cases.

Construction of act.

Effective date.

SECTION 5. Said section forty-nine, as so appearing, is hereby amended by striking out the words "nautical school" the first time such words appear in the second line, and inserting in place thereof the words: — maritime academy, — so as to read as follows: — *Section 49.* The board of commissioners of the Massachusetts maritime academy shall provide and maintain a nautical school for the instruction of students in the science and practice of navigation, accommodations therefor on board a proper vessel, books, stationery, apparatus and supplies needed in the work thereof, and appoint and remove necessary instructors and other employees, determine their compensation, fix the terms upon which students shall be received and instructed therein and discharged therefrom, make all regulations necessary for its management and provide from time to time for cruises in or from Boston harbor.

SECTION 6. Said chapter seventy-four is hereby further amended by striking out section fifty-three, as so appearing, and inserting in place thereof the following section: — *Section 53.* The commissioner shall make an annual report relative to the Massachusetts maritime academy.

SECTION 7. Section thirty-six of chapter one hundred and forty-nine of the General Laws, as so appearing, is hereby amended by striking out, in the ninth line, the words "nautical school" and inserting in place thereof the words: — maritime academy, — so as to read as follows: — *Section 36.* Sections thirty, thirty-one and thirty-four shall not apply to the preparation, printing, shipment and delivery of ballots to be used at a caucus, primary, state, city or town election, nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall they apply to persons employed in any state, county or municipal institution, on a farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining room service or in store rooms or offices, or to persons employed by the commissioners of the Massachusetts maritime academy, on boats maintained by the state police for the enforcement of certain laws in the waters of the commonwealth, or in connection with the care and maintenance of state armories, or to the purchase, operation or lease of farm machinery by the department of agriculture.

SECTION 8. When used in any statute, ordinance, by-law, rule or regulation, the phrase "Massachusetts Nautical School", or any words connoting the same, shall mean the Massachusetts Maritime Academy, unless a contrary intent clearly appears.

SECTION 9. This act shall take effect as of December eleventh, nineteen hundred and forty-one.

Approved January 31, 1942.

AN ACT PENALIZING THE STEALING, ATTEMPTED STEALING OR CONSPIRACY TO STEAL, CERTAIN RATIONED PROPERTY AT ANY TIME, OR ANY PROPERTY DURING CERTAIN EMERGENCIES. *Chap. 2*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is the immediate protection of the property of the inhabitants of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Whoever steals or attempts to steal any tire, food or other property rationed by the federal government or any agency thereof, or by the commonwealth, shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one half years.

SECTION 2. Whoever steals or attempts to steal any property during a period of air raid alarm or during a blackout or during an invasion or insurrection shall be punished by the penalty provided in section one.

SECTION 3. Whoever conspires with one or more other persons to commit, or to procure or cause to be committed, any offense punishable under section one or two, shall be punished by the penalty provided in section one.

SECTION 4. This act shall be in effect during the continuance of the existing state of war between the United States and any foreign country. *Approved January 31, 1942.*

AN ACT MAKING CHANGES IN THE HIGHWAY AND RESERVE FUND APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND FORTY-TWO FOR CERTAIN COUNTIES. *Chap. 3*

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to make immediate provision for meeting certain county civilian defense and other war problems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and twenty-eight of the acts of nineteen hundred and forty-one is hereby amended by striking out, under the headings for the several counties hereinafter referred to, in item 16 in each case, the sum appropriated for the fiscal year nineteen hundred and forty-two, and inserting in place thereof the following sums, respectively:

(Barnstable county)	\$33,383 33
(Berkshire county)	39,500 00
(Bristol county)	30,600 00

(Dukes county)	\$5,100 00
(Essex county)	187,300 00
(Franklin county)	20,000 00
(Hampden county)	48,000 00
(Hampshire county)	35,000 00
(Middlesex county)	138,000 00
(Norfolk county)	51,000 00
(Plymouth county)	70,800 00
(Worcester county)	146,430 00

SECTION 2. Said section one is hereby further amended by striking out, under the headings for the several counties hereinafter referred to, in item 31 in each case, the sum appropriated for the fiscal year nineteen hundred and forty-two, and inserting in place thereof the following sums, respectively:

(Barnstable county)	\$10,000 00
(Berkshire county)	7,500 00
(Bristol county)	9,000 00
(Dukes county)	1,500 00
(Essex county)	15,000 00
(Franklin county)	5,000 00
(Hampden county)	12,500 00
(Hampshire county)	7,000 00
(Middlesex county)	20,000 00
(Norfolk county)	12,500 00
(Plymouth county)	10,000 00
(Worcester county)	12,500 00

Approved January 31, 1942.

Chap. 4 AN ACT AUTHORIZING INVESTMENTS BY CITIES AND TOWNS IN UNITED STATES DEFENSE OR OTHER BONDS, REGULATING THE MAKING OF CERTAIN MUNICIPAL EMERGENCY LOANS, THE EXPENDITURE OF CERTAIN MUNICIPAL EMERGENCY FUNDS, AND THE TRANSFER OF CERTAIN APPROPRIATIONS IN THE CITY OF BOSTON, AUTHORIZING CERTAIN EMERGENCY APPROPRIATIONS BY DISTRICTS, PROVIDING FOR THE FILLING OF VACANCIES IN CERTAIN ELECTIVE OFFICES IN DISTRICTS, AND AUTHORIZING CITIES AND TOWNS TO CONTRACT WITH THE UNITED STATES FOR THE USE AND OCCUPATION OF CERTAIN MUNICIPAL PROPERTY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to empower the cities, towns and districts of the commonwealth to take without delay in the existing emergency of war the action provided for therein, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. During the continuance of the existing state of war between the United States and any foreign country, any city or town is hereby authorized to invest, in defense bonds or other bonds issued by the federal government, a

sum or sums not exceeding, in the aggregate, in any year one tenth of one per cent of the assessed valuation of real estate and tangible personal property therein in the preceding year. The aggregate amount so invested and all interest earned thereon shall be set up as a separate fund in the custody of the treasurer thereof, who is hereby authorized, in case any bond held in the fund matures or is called, to reinvest, with the approval of the mayor or selectmen, the proceeds so received in defense or other bonds issued by the federal government. No bonds held under this act may be sold prior to the termination of the existing state of war.

The proceeds from the sale of any such bonds shall be used only for purposes for which the city or town may borrow money for a period of not less than ten years in accordance with sections seven and eight of chapter forty-four of the General Laws; provided, that such proceeds may, in each instance with the approval of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, be appropriated and used in whole or in part for other purposes.

Said board in giving its approval shall give especial consideration to necessities then existing in such city or town involving rehabilitation following the war or due to unemployment conditions or otherwise.

The members of the board aforesaid, when acting under this section or section two, shall receive from the commonwealth compensation to the same extent as provided for services under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended.

SECTION 2. No loan shall be made by a city or town under authority of chapter four hundred and eighty-seven of the acts of nineteen hundred and forty-one without the approval of said board. Notwithstanding any provision of general or special law, ordinance or by-law to the contrary, a loan order voted in any city under authority of said chapter four hundred and eighty-seven shall be deemed to be an emergency order and as such may be passed in such manner as is provided for emergency orders or ordinances in its charter and shall be in full force and effect immediately upon final favorable action thereon by its city council or chief executive, as the case may be, or upon the expiration of any period specified by such charter for the approval or disapproval of such orders by its chief executive in any case where he fails to approve or disapprove such an order within such period, and a loan order voted in any town under said authority shall be in full force and effect immediately upon final favorable action thereon by its inhabitants or its town meeting members, as the case may be; provided, that in the city of Boston such loan orders may be passed in the manner provided in its charter for loan orders for temporary loans in anticipation of taxes. In any city a loan order under authority of chapter ninety-two of the acts of nine-

teen hundred and forty-one or of said chapter four hundred and eighty-seven may be passed by vote of two thirds of all of the members of the city council, or of each branch thereof where there are two branches, exclusive of those members who are in the military or naval forces of the United States and are not present at the meeting at which any such vote is taken at the time of the vote, notwithstanding any provision of law to the contrary.

SECTION 3. During the continuance of the existing state of war between the United States and any foreign country, notwithstanding the provisions of section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, inserted in said chapter by section one of chapter six hundred and four of the acts of nineteen hundred and forty-one, the vote required for approval by the city council of the city of Boston of any transfer of appropriation, other than a loan appropriation, shall be by a ye and nay vote of a majority of all the members of the city council.

SECTION 4. During the continuance of the existing state of war between the United States and any foreign country, all funds granted or allocated by the federal government or by the commonwealth to a city or town for civilian defense purposes may be expended without appropriation in accordance with the terms of said grants or allocations.

SECTION 5. The provisions of said chapter four hundred and eighty-seven, so far as apt, are hereby made applicable to fire, water, light and improvement districts.

SECTION 6. In case any elected officer of a fire, water, light or improvement district is unable to perform the duties of his office by reason of service in the military or naval forces of the United States during the existing state of war between the United States and any foreign country, a majority of the members of a board established as hereinafter provided may in writing appoint an acting officer who in the absence of such absent officer shall possess all the rights and powers, perform all the duties and be subject to all the obligations of said office until the expiration of the term of the absent officer or until his return, whichever first occurs. Said board shall consist of the prudential committee or body having like powers, or, in filling a vacancy in any other elective body of any such district, the members of such other body, and in addition in each case the district clerk and the district treasurer; provided, that any such officer shall not be a member of such board when his office is being filled. No member of any such board shall have more than one vote.

A person appointed under this section shall not receive compensation from the district for service as such acting officer but his compensation therefor, if any, shall be paid by the absent officer. The district treasurer, when so authorized by the absent officer, may make payment to such acting officer, and in such case shall charge such payments to the account of the salary provided for the absent officer.

SECTION 7. Cities and towns are hereby authorized, during the continuance of the existing state of war between the United States and any foreign country, to enter into contracts for the use and occupation by the United States of any properties, real or personal, owned or held by them.

Approved January 31, 1942.

AN ACT ESTABLISHING IN THE COMMONWEALTH DAYLIGHT SAVING TIME, SO CALLED, COINCIDING WITH SUCH TIME AS ESTABLISHED BY THE CONGRESS OF THE UNITED STATES. Chap. 5

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to put in effect in this commonwealth daylight saving time, so called, coinciding with such time as established by the congress of the United States, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. At two o'clock ante-meridian of the ninth day of February of the current year, the standard time in this commonwealth shall be advanced one hour, so that the resulting time will be the same as the standard time for the time zone wherein the commonwealth is situated as advanced under an act of congress, entitled "An Act to promote the National Security and Defense by Establishing Daylight Saving Time", approved January 20, 1942. At two o'clock ante-meridian of the day on which the standard time for the time zone wherein this commonwealth is situated shall be returned by operation of federal law to the mean astronomical time of the degree of longitude governing the standard time for such zone, the standard time in this commonwealth shall be returned to said mean astronomical time; provided, that if the standard time in this commonwealth, as advanced under this act, would under the foregoing provisions be returned to said mean astronomical time between two o'clock ante-meridian of the last Sunday in April and two o'clock ante-meridian of the last Sunday in September in any year, said standard time, as so advanced, shall be returned to said mean astronomical time at two o'clock ante-meridian of said last Sunday in September. In all laws, statutes, orders, decrees, rules and regulations relating to the time of performance of any act by any officer, department or commission of the commonwealth, or of any county, city, town or district thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the commonwealth, and in all the public schools and in all institutions of the commonwealth, or of any county, city, town or district thereof, and in all contracts or choses in action made or to be performed in the commonwealth, it

shall be understood and intended that the time shall be the standard time in this commonwealth as advanced under this act.

SECTION 2. While the standard time in this commonwealth, as advanced under section one, is in effect, section ten of chapter four of the General Laws shall be inoperative; and thereafter said section ten shall have full force and effect.

Approved January 31, 1942.

Chap. 6 AN ACT TERMINATING THE EXISTENCE OF THE MASSACHUSETTS EMERGENCY COMMISSION AND TRANSFERRING ITS POWERS AND DUTIES TO THE GOVERNOR'S COMMITTEE ON PUBLIC SAFETY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for more simplified control of defense measures during the existing state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

The existence of the Massachusetts emergency commission is hereby terminated, and the powers and duties of said commission shall hereafter be exercised and performed by the governor's committee on public safety, which is hereby authorized to act by and through an executive committee chosen by it in such manner as it may determine. The executive director of said governor's committee shall file with the state secretary a list of the members of said executive committee as constituted from time to time. All members and employees of said governor's committee shall be citizens of the United States or of an allied nation.

Approved January 31, 1942.

Chap. 7 AN ACT AUTHORIZING THE WITHHOLDING FROM THE COMPENSATION PAYABLE TO EMPLOYEES OF THE COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS OF AMOUNTS DESIGNATED BY SUCH EMPLOYEES FOR THE PURCHASE FOR THEM OF UNITED STATES DEFENSE BONDS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to encourage the immediate purchase of United States Defense Bonds by certain public employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The treasurer or other official having charge of the pay rolls of the commonwealth or any of its political subdivisions may withhold on each pay day such amount of the compensation of any employee on such pay roll as may be specified

by a writing, signed by the employee and filed with said treasurer or other official, for the purchase for such employee of defense bonds issued by the federal government. Such withholding of the compensation of any employee shall cease upon the filing by him with said treasurer or other official of a writing requesting such cessation. That portion of the compensation withheld or to be withheld under this act shall not be attached or taken upon execution or other process.

Approved January 31, 1942.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO REQUIRE THE PROVIDING OF EQUIPMENT FOR PUBLIC WATER SUPPLIES MADE NECESSARY BY THE EXISTENCE OF THE PRESENT STATE OF WAR.

Chap. 8

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the public health during the existing state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Emergency
preamble.

Be it enacted, etc., as follows:

If the department of public health determines that, during the existence of the present state of war, it is necessary for a city, town, district or water company maintaining a water supply to provide equipment for such supply, including treatment equipment, or additions to existing equipment, for the protection of the public health, said department may order such city, town, district or company to provide such equipment or to make such additions to any existing equipment. The supreme judicial or the superior court shall have jurisdiction in equity to enforce any such order.

Approved January 31, 1942.

AN ACT PROVIDING FOR THE ESTABLISHMENT IN THE STATE TREASURY OF A SURPLUS COMMODITY STAMP TRUST FUND AND REGULATING THE ADMINISTRATION THEREOF.

Chap. 9

Whereas, This act provides for further co-operation by the commonwealth with the federal government in the matter of the carrying out of the Federal Surplus Commodity Stamp Plan, so called, and should take effect without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. There is hereby created in the state treasury a fund, to be known as the Commonwealth Stamp Plan Fund, which shall be administered and used as hereinafter provided. Said fund shall consist of the proceeds of loans made by the commonwealth for the purposes of said fund, of moneys received from the sale, delivery or redelivery of food order stamps and cotton order stamps, or stamps of a

similar nature, issued by or under agreement with the Surplus Marketing Administration of the United States Department of Agriculture, or any successor to said administration, and of moneys allocated or granted to the commonwealth by the federal government or received from any other source for the purposes of said fund.

Said fund shall be administered in trust and used solely for the acquisition of stamps issued as aforesaid. In the event that the commonwealth abandons or discontinues its activities in acquiring and distributing such stamps, any balance remaining in said fund, after first being used to pay all expenses, loans, or costs in connection with said fund or for its purposes, shall be credited to the Commodities Salvage Fund in the state treasury.

The acquisition and distribution of such stamps shall be carried out by the commissioner of public welfare under authority of chapter six hundred and thirty-four of the acts of nineteen hundred and forty-one, or otherwise under the supervision of the governor and council.

All moneys received on account of said fund shall be kept and accounted for by the state treasurer in the same manner as other moneys of the commonwealth, except that such moneys shall be segregated and deposited in a separate account, that said fund shall constitute a continuing trust fund, and that the annual balances shall be carried forward and shall remain continuously available to the said commissioner solely for the purposes of this act.

SECTION 2. For the purpose of establishing the aforesaid fund, the state treasurer shall issue, and may renew, notes of the commonwealth; provided, that the total indebtedness of the commonwealth under this section outstanding at any one time shall not exceed one million dollars. Such notes shall be issued for such term of years as may be recommended by the governor, in accordance with section 3 of Article LXII of the amendments to the constitution of the commonwealth, and shall bear interest at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller. All interest due on such notes, together with all expenses and costs incurred in connection therewith, shall be paid from said Commodities Salvage Fund to the extent thereof.

Approved January 31, 1942.

Chap. 10 AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF AMERICA OF CERTAIN LANDS FOR THE PURPOSES OF THE VETERANS' ADMINISTRATION FACILITY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the acquisition by the United States of America,

by purchase, for use as a Veterans' Administration Facility in the city of Boston, of a certain tract of land situated in and formerly owned by said city, bounded and described as follows: — Beginning at a point on the northwesterly side line of Spring St., at its intersection with the southerly side line of Webster St., thence running north $32^{\circ} 12' 58''$ west along said southerly line of Webster St., four hundred ninety-seven and $31/100$ (497.31) feet; thence turning and running north $46^{\circ} 5' 50''$ east along the northwesterly side line of Linden St., eighty-eight and $39/100$ (88.39) feet; thence turning and running north $43^{\circ} 54' 10''$ west by land now or formerly of Frederick J. Broderick, one hundred nineteen (119) feet; thence turning and running north $56^{\circ} 18' 00''$ east by said land now or formerly of Frederick J. Broderick, sixty-six and $70/100$ (66.70) feet; thence running north $67^{\circ} 17' 4''$ east by said land now or formerly of Frederick J. Broderick, one hundred twenty-five and $35/100$ (125.35) feet; thence running north $72^{\circ} 12' 42''$ east by said land now or formerly of Frederick J. Broderick, fifty-four and $55/100$ (54.55) feet; thence turning and running north $5^{\circ} 46' 13''$ east by land now or formerly of John F. Roche et al, one hundred and thirty-six (136) feet; thence turning and running North $84^{\circ} 13' 47''$ West along the southerly side line of Wycliff Ave., forty-five (45) feet; thence turning and running North $5^{\circ} 46' 13''$ East by the westerly side line of said Wycliff Ave., one hundred seventy-five (175) feet; thence turning and running North $84^{\circ} 13' 47''$ West by lands now or formerly of John J. Fox et al, John McLaughlin et al, G. Graves Piper et al, Marguerite K. Callahan, Katherine Noon, Frederick J. Murphy et al, John J. OKeefe, Theodore Wiley et al, and Ralph W. Redmond respectively, five hundred eighty-eight and $97/100$ (588.97) feet; thence turning and running South $15^{\circ} 43' 55''$ West by the easterly side line of Veterans of Foreign Wars Parkway one hundred seven and $56/100$ (107.56) feet; thence continuing along said easterly side line of Veterans of Foreign Wars Parkway by a curved line of a radius 2,470.00 feet, four hundred twenty-seven and $74/100$ (427.74) feet; thence running South $25^{\circ} 39' 15''$ West along said easterly side line of Veterans of Foreign Wars Parkway four hundred eighty-nine and $14/100$ (489.14) feet; thence continuing along said easterly side line of Veterans of Foreign Wars Parkway by a curved line of a radius of 800 feet, eight hundred four and $48/100$ (804.48) feet; thence running south $31^{\circ} 57' 45''$ East along said easterly side line of Veterans of Foreign Wars Parkway two hundred twenty-one and $68/100$ (221.68) feet; thence running by a curved line of a radius of 50 feet by the northerly side line of the Veterans of Foreign Wars Parkway ninety-two and $20/100$ (92.20) feet to the northwesterly side line of Spring St.; thence running north $42^{\circ} 23' 22''$ East along said northwesterly side line of Spring St., eight hundred sixteen and $90/100$ (816.90) feet; thence running North $44^{\circ} 57' 1''$ East along said northwesterly side

line of Spring St. three hundred seventy-one and 46/100 (371.46) feet to the point of beginning. Containing approximately 1,308,848 square feet (30 1/25 Acres) of land more or less; excepting and reserving therefrom the right and easement in the City of Boston to maintain, extend and construct surface drainage sewerage works in and through the above bounded and described parcel of land in the location shown, bounded and described on the plan hereinafter referred to.

The above described parcel of land and all of said measurements together with the location within which the City of Boston excepts and reserves the right and easement to maintain, extend and construct surface drainage sewerage works are shown on a plan marked "City of Boston, Spring St., Veterans of Foreign Wars Parkway, Gardner St., Wycliff Ave., Linden St., Webster St., West Roxbury, Mar. 28, 1941, Wm. J. Sullivan, Chief Engineer Street Laying-Out Department' — 'Plan of land in West Roxbury District belonging to the City of Boston. Scale 80 Feet to an inch,' on file in the office of the Street Laying-Out Department, City Hall, Boston, Massachusetts."

SECTION 2. Jurisdiction over the above described lands is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, insofar that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said lands and all processes for collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been granted; provided, that the exclusive jurisdiction in and over such lands shall revert to and revest in the commonwealth whenever such lands shall cease to be used for the purpose set forth in section one.

SECTION 3. This act shall take full effect upon the filing in the office of the state secretary of a suitable plan of the lands described in section one, but not otherwise.

Approved January 31, 1942.

Chap. 11 AN ACT TO PROVIDE WAR ALLOWANCE, STATE AND MILITARY AID AND SOLDIERS' RELIEF FOR CERTAIN RESIDENTS OF THE COMMONWEALTH IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES AND THEIR DEPENDENTS, AND TO PROVIDE FOR THE BURIAL OF CERTAIN INDIGENT SOLDIERS, SAILORS OR MARINES, THEIR WIVES, WIDOWS, DEPENDENT FATHERS, MOTHERS AND CHILDREN.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediate financial assistance to certain soldiers, sailors and marines in the service of the United States and to their dependent

relatives, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Any city or town, acting by the officers authorized by law to furnish state and military aid, may, during the continuance of the existing state of war between the United States and any foreign country and for six months thereafter, provide a war allowance for the dependent relatives of any soldier or sailor, which terms, for the purposes of this act, are hereby defined as in section one of chapter one hundred and fifteen of the General Laws, in the military or naval service of the United States during said state of war which, for the purposes of this act, shall be deemed to have begun on September sixteenth, nineteen hundred and forty; provided, that on said September sixteenth or, if after said date said soldier or sailor entered said service or was recalled thereto or was continued therein after the expiration of a prior enlistment, at the time of his entry into or recall to or continuance in said service, said soldier or sailor was a resident of this commonwealth and had been a resident thereof for not less than one year. The dependent relatives of such a soldier or sailor who are eligible to receive such aid shall be the wife, children under eighteen years of age, or any child dependent by reason of physical or mental incapacity, or a brother or sister, or a dependent parent, or any person who stood in the relationship of a parent to such soldier or sailor for five years prior to said September sixteenth or, if after said date said soldier or sailor entered said service or was recalled thereto or was continued therein after the expiration of a prior enlistment, for five years prior to his entry into, recall to or continuance in said service. The allowance authorized by this section shall cease on the termination of the service by death or discharge.

SECTION 2. Any person in the military or naval service of the United States, whose dependents are entitled to war allowance under section one, and who is honorably discharged from said service by reason of illness or disability incurred therein, shall be eligible to receive state or military aid under the provisions of said chapter one hundred and fifteen relating to world war service, so far as applicable. If any such person shall die in said service during said state of war, or shall die after an honorable discharge from said service from injuries received or disability or illness incurred therein, his mother, if a widow, his widow and his children, up to the age of eighteen, or any child dependent by reason of physical or mental incapacity, provided that the children were in being prior to his discharge, or prior to the termination of said state of war, or any person who stood to him in the relationship of a parent for five years prior to said September sixteenth or, if after said date

said soldier or sailor entered said service or was recalled thereto or was continued therein after the expiration of a prior enlistment, for five years prior to his entry into, recall to or continuance in said service, shall be entitled to the benefit of state aid and soldiers' relief in accordance with the provisions of said chapter one hundred and fifteen relating to world war service, so far as applicable.

SECTION 3. The payments authorized by sections one and two shall be made in the same manner in which, and shall be subject to the same limitations under which, state aid or soldiers' relief is paid to dependent relatives of soldiers or sailors under the provisions of said chapter one hundred and fifteen relative to world war service, so far as applicable and except as otherwise provided herein.

SECTION 4. Applicants for war allowance hereunder shall, as a basis for the first payment thereof, state in writing, under oath, the name, age and residence of the person for whom the same is sought, the relationship of such person to the soldier or sailor, the company and regiment or branch of the service in which he was enlisted, or to which he was first assigned, and in which he last served, the date and place of his enlistment, if known, the duration of his service, the amount of United States pay, allotment and federal family allowance, if any, the average weekly amount contributed by the soldier or sailor during the year previous to service, and the reason for the application, and shall furnish such official certificates or records, or other evidence of enlistment, service and discharge and such other information, as may be required.

SECTION 5. The commissioner of state aid and pensions shall, from time to time, furnish each city and town with a sufficient number of blank forms for the use of applicants; shall decide all questions in dispute between applicants and the municipal authorities; shall investigate all payments of war allowance; shall have power to determine all incidental questions arising in connection therewith; and shall have the custody of the original papers relating to each application.

SECTION 6. Applications for war allowance may be filed directly with the commissioner of state aid and pensions, who in such case may request the officers authorized by law to furnish state and military aid of the city or town named in the application for a recommendation thereon, or with such officers who shall, within three days, forward the application together with a recommendation thereon, to the commissioner.

SECTION 7. Municipal officers making payments under this act shall make return of the same to the commissioner of state aid and pensions, on blank forms to be furnished by him, in the manner prescribed by the applicable provisions of said chapter one hundred and fifteen, except that so much of section nine of said chapter as relates to the maximum allowance to be allowed shall not apply. Said commissioner shall prescribe rules as to the amount and the disbursement

of allowance to the dependents of soldiers or sailors, during the period when such soldiers or sailors are in the actual service of the United States, and reimbursement shall be made to the city or town from the state treasury for amounts actually expended and authorized by said commissioner; provided, that in no case shall more than fifty dollars be reimbursed on account of the total allowance rendered to all dependent relatives of any one soldier or sailor in any one month. All sums expended by cities and towns in excess of the amount so authorized shall be borne by the respective city or town in which the recipient has a legal settlement, in the form of soldiers' relief; but, in the case of dependents of a soldier or sailor without legal settlement, the amount expended by cities and towns in excess of the limit prescribed, after determination by the commissioner of state aid and pensions as to how much allowance is necessary to afford reasonable support, shall be reimbursed by the commonwealth.

SECTION 8. Cities and towns are hereby authorized to raise by taxation such sums as may be necessary to meet expenses incurred under this act and to borrow money therefor. Loans issued under authority of this act shall be outside the debt limit and shall be paid in not more than one year from their dates but shall, except as provided herein, be subject to chapter forty-four of the General Laws exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 9. The provisions of sections nineteen and twenty of said chapter one hundred and fifteen relative to the interment of the bodies of honorably discharged soldiers or sailors who served in the army or navy of the United States during the world war and the bodies of their wives, widows and dependent mothers, fathers and children shall also apply, so far as applicable, to the interment of the bodies of honorably discharged soldiers or sailors who served in said army or navy on or after September sixteenth, nineteen hundred and forty, and prior to the termination of the existing state of war between the United States and any foreign country, their wives or widows whenever married and dependent mothers, fathers and children.

SECTION 10. Whoever knowingly makes a false statement, oral or written, relating to a material fact in supporting a claim to war allowance, state or military aid, soldiers' relief or other benefit under any provision of this act shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year. Whoever, being entitled to any of the benefits of this act, fraudulently claims or receives pay for a period of time following the termination of his right to receive the same shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved January 31, 1942.

Chap. 12 AN ACT TEMPORARILY INCREASING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES IN THE SERVICE OF THE COMMONWEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay additional income for certain officers and employees of the commonwealth in view of the current increase in the cost of living due to the existence of the present state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The salary of each officer and employee in the service of the commonwealth receiving a salary at the rate of less than fifteen hundred dollars per annum for full time service is hereby increased by an amount of one hundred and fifty dollars per annum; provided, that no increase shall be made hereunder which will increase the total salary of any such officer or employee to an amount in excess of fifteen hundred and eighty dollars per annum. The salary of each officer and employee in said service receiving a salary at the rate of fifteen hundred dollars, but less than twenty-four hundred and eighty dollars, per annum for full time service is hereby increased by an amount of one hundred dollars per annum; provided, that no increase shall be made hereunder which will increase the total salary of any such officer or employee to an amount in excess of twenty-four hundred and eighty dollars.

SECTION 1A. Every officer and employee entering the service of the commonwealth between February first in the current year and June thirtieth, nineteen hundred and forty-three, shall be entitled to receive the compensation of his office or position as increased by this act.

SECTION 2. The word "salary", as used in this act, shall include all compensation from the commonwealth, however payable, and in the case of an officer or employee whose salary is paid in part by the commonwealth and in part from federal funds or by a county or municipality, shall mean that part payable by the commonwealth. Said word "salary", as so used, shall also include compensation payable through the state treasury from moneys paid into said treasury by the federal government. The word "employee", as so used, in addition to its usual meaning shall also include any blind person receiving wages from the division of the blind.

SECTION 3. The division of personnel and standardization of the commission on administration and finance is hereby directed to revise the schedules of standard rates of salary incorporated in the rules and regulations governing the classification of personal service, as prepared by said division and approved by the governor and council, to conform to section one.

SECTION 4. Said division and the comptroller are hereby directed to administer this act. Nothing in this act shall be construed to limit the respective powers of said division and said comptroller as now defined by law.

SECTION 5. The increase in salaries provided for by this act shall be effective only for the period beginning February first in the current year and ending June thirtieth, nineteen hundred and forty-three, and such increase shall not prevent an officer or employee from receiving during said period step rate increases to which he may be entitled.

SECTION 6. No increase in salary made by this act shall, for any purpose of chapter thirty-two, be deemed or construed to be a portion of the regular compensation of any officer or employee now or formerly in the service of the commonwealth.

SECTION 7. Any provision of sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, or any other provision of law, inconsistent with any provision of this act shall be inoperative while such last-mentioned provision is in effect.

SECTION 8. This act shall not apply to any officer of the commonwealth elected by popular vote.

Approved January 31, 1942.

AN ACT TO PROVIDE FOR THE SAFETY OF THE COMMON
WEALTH DURING THE EXISTING STATE OF WAR.

Chap. 13

Whereas, The supreme emergency of a world wide war, following the declarations of war by the congress of the United States, has resulted in conditions of imminent danger, incident to such a war, to the lives and property of the citizens of the United States and of each state and to the respective governments of the people of the states and nation, calling for a state of preparedness to meet such dangers by the commonwealth and its representatives promptly under changing conditions from time to time, so that the sovereign authority of the commonwealth and of its "supreme executive magistrate" and "commander-in-chief", for the protection of the government and its citizens and their property and interests, as recognized and established by the constitution in seventeen hundred and eighty and reserved to the commonwealth and its citizens by the tenth amendment to the federal constitution, may be exercised when needed for the support of the national government in the prosecution of the war and the protection of the commonwealth and its citizens; and

Declaration
of state of
supreme
emergency.

Whereas, It is necessary that this act become effective forthwith, in order to unify the sovereign powers of the commonwealth for the purpose of meeting the emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The action of the governor in making and issuing on December twenty-ninth, nineteen hundred and forty-one, his proclamation setting forth the existence of a state of emergency in this commonwealth, as authorized by Part II of chapter seven hundred and nineteen of the acts of nineteen hundred and forty-one, is hereby ratified and approved.

SECTION 2. During the effective period of this act, as set forth in section twelve, the governor, in addition to any other authority vested in him by law, shall have and may exercise any and all authority over persons and property, necessary or expedient for meeting the supreme emergency of such a state of war, which the general court in the exercise of its constitutional authority may confer upon him as the supreme executive magistrate of the commonwealth and commander-in-chief of the military and naval forces thereof, and specifically, but without limiting the generality of the foregoing, the governor shall have and may exercise such authority relative to any or all of the following:

- (1) Health or safety of inmates of all institutions;
- (2) Maintenance, extension or inter-connection of services of public utility or public service companies, including public utility services owned or operated by the commonwealth or any political subdivision thereof;
- (3) Policing, protection or preservation of all property, public or private, by the owner or person in control thereof, or otherwise;
- (4) Manufacture, sale, possession, use or ownership of:
 - (a) Fireworks or explosives, or articles in simulation thereof;
 - (b) Means or devices of communication other than those exclusively regulated by federal authorities;
 - (c) Articles or objects (including birds and animals) capable of use for the giving of aid or information to the enemy or for the destruction of life or property;
- (5) Transportation or travel on Sundays or weekdays by aircraft, watercraft, vehicle or otherwise, including the use of registration plates, signs or markers thereon;
- (6) Labor, business or work on Sundays or legal holidays;
- (7) Assemblages, parades or pedestrian travel, in order to protect the physical safety of persons or property;
- (8) Public records and the inspection thereof;
- (9) Regulation of the business of insurance and protection of the interests of holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;
- (10) Vocational or other educational facilities supported in whole or in part by public funds, in order to extend the benefits or availability thereof;
- (11) The suspension of the operation of any statute, rule or regulation which affects the employment of persons within

the commonwealth when, and at such times as, such suspension becomes necessary in the opinion of the governor to remove any interference, delay or obstruction in connection with the production, processing or transportation of materials which are related to the prosecution of the present war;

(12) Regulation of the manner and method of purchasing or contracting for supplies, equipment or other property or personal or other services, and of contracting for or carrying out public works, for the commonwealth or any of its agencies or political subdivisions;

(13) Receipt, handling or allocation of money, supplies, equipment or material granted, loaned or allocated by the federal government to the commonwealth or any of its agencies or political subdivisions;

(14) Protection of depositors in banks, and maintenance of the banking structure of the commonwealth;

(15) Variance of the terms and conditions of licenses, permits or certificates of registration issued by the commonwealth or any of its agencies or political subdivisions;

(16) Regulating the sale of articles of food and household articles;

(17) Modification or variation in the classifications established under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, as amended, and sections forty-eight to fifty-six, inclusive, of chapter thirty-five of the General Laws, as amended.

SECTION 3. The governor may exercise any power, authority or discretion conferred on him by any provision of this act or of said chapter seven hundred and nineteen by the issuance or promulgation of executive orders or general regulations, or through such department or agency of the commonwealth or of any political subdivision thereof, or such person, as he may direct by a writing signed by him and filed in the office of the state secretary. Any department, agency or person so directed shall act in conformity with any regulations prescribed by the governor for its or his conduct.

Whoever violates any provision of any such executive order or general regulation issued or promulgated by the governor, for the violation of which no other penalty is provided by law, shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or both.

SECTION 4. Any provision of any general or special law, or of any rule, regulation, ordinance or by-law, to the extent that such provision is inconsistent with any order or regulation issued or promulgated under this act, shall be inoperative while such order or such last mentioned regulation is in effect; provided, that nothing in this section shall be deemed to affect or prohibit any prosecution for a violation of any such provision before it became inoperative.

SECTION 5. Notwithstanding the provisions of chapter thirty-one of the General Laws, or any other provision of

law affecting civil service, and the rules and regulations made thereunder, the director of civil service, supported by a majority vote of the civil service commission, may:

(1) Approve or extend provisional appointments without time limitations until lists can be established or until appointments can be made from eligible lists;

(2) Extend temporary appointments which are made from civil service lists beyond the life of the list;

(3) Allow temporary transfers without regard to classification, beyond a period of six months;

(4) Restrict leaves of absence except for entrance into the armed forces of the United States, for illness, and for such other reason as said director deems to be in the public interest;

(5) Remove from eligible lists the names of individuals who refuse to accept positions which they have previously signified a willingness to accept; and

(6) Restore to the eligible lists the names of persons so removed; and

(7) Exclude from the operation of the civil service laws and rules and regulations any of the positions or employments in temporary agencies, boards or other governmental units of the commonwealth or of its political subdivisions, the existence and powers of which agencies, boards or other units are limited to a period terminating not later than one year after the termination of said war, or any lesser period.

Any appointment or transfer made under this section shall be effective only for the period during which this act is in effect.

SECTION 6. During any blackout or during the period between an air raid warning and the following "all clear" signal, regular and reserve members of police and fire forces of the commonwealth or of its political subdivisions, and members of the state guard and the armed forces of the United States while in uniform, may enter upon private property for the purpose of enforcing blackout or air raid precaution rules, regulations or orders issued by or under authority of the governor. Such members may at any time enter upon private property in compliance with written orders of the governor, for the sole purpose of enforcing laws, rules, regulations, ordinances or by-laws specifically set forth by the governor in such orders; provided, that nothing in this section shall be deemed or construed to prohibit any entry upon private property otherwise authorized by law.

SECTION 6A. Persons appointed to the auxiliary police force in a city or town pursuant to paragraph (a) of section five of said chapter seven hundred and nineteen shall exercise or perform such of the powers or duties of police officers as may be prescribed by the appointing authority; provided, that said powers or duties shall not be exercised or performed by them except while they are on active duty and displaying an authorized identifying badge or other insignia after

being called to such duty by the head of the police force of such city or town to meet a situation which, in his opinion, cannot be adequately handled by the regular police force and by the reserve police force, if any, of such city or town. Auxiliary police in towns, but not in cities, may be authorized by the appointing authority to exercise the powers conferred by the provisions of section six of this act upon members of regular or reserve police forces of said towns.

SECTION 7. No person shall be civilly liable for any act done in pursuance of any provision of this act or of any order or regulation issued or promulgated thereunder, notwithstanding that such provision, order or regulation shall subsequently be determined to be invalid or unconstitutional. No city or town shall be liable for any damage sustained to person or property as the result of an authorized blackout.

SECTION 8. Any owner of property of which possession has been taken under paragraph (c) of section six of said chapter seven hundred and nineteen, to whom no award has been made or who is dissatisfied with the amount awarded him as compensation by the governor with the approval of the council, instead of proceeding under paragraphs (d), (e) and (f) of said section, may have his damages determined under chapter seventy-nine of the General Laws.

SECTION 9. If any action under authority of any provision of this act or of said chapter seven hundred and nineteen except paragraph (c) of section six thereof, or any order or regulation issued or promulgated under any such provision, in itself constitutes an appropriation of property to the public use, compensation may be recovered therefor under chapter seventy-nine of the General Laws from the body politic or corporate appropriating such property.

SECTION 10. The provisions of this act and the authority granted hereunder shall be effective and be exercised only in so far as they do not contravene any law of the United States or the exercise of any lawful power by the president.

SECTION 11. If any section or subdivision of this act, or any application thereof, shall be held invalid, unconstitutional or inoperative, the remainder of this act, or other applications of such section or subdivision, shall not be affected thereby.

SECTION 12. This act shall be in effect during the continuance of the existing state of war between the United States and any foreign country; provided, that this act shall cease to be in effect upon the earlier adoption by both branches of the general court of a joint resolution stating that it is no longer necessary for the public good and safety.

Approved January 31, 1942.

Chap. 14 AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF AMERICA OF CERTAIN LANDS IN THAT PART OF BOSTON KNOWN AS SOUTH BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the acquisition of the United States of America, by purchase, for use in connection with the military and naval services of said United States, of a certain parcel of land and flats situated on the Commonwealth flats at South Boston, bounded and described as follows: Beginning at a point in the extension of the northerly line of Summer street at its intersection with a line parallel with and 100 feet northerly from the United States pierhead and bulkhead line established by the Secretary of War June 30, 1916, on the northerly side of the Reserved channel; thence north $49^{\circ} 1' 14.3''$ west, 289.61 feet to a point; thence north $35^{\circ} 14' 10.7''$ east, 379.80 feet to a stone monument situated in the southerly line of Dry Dock avenue about 75 feet south-easterly from the south-easterly line of the premises leased to the Metropolitan coal company; thence north $88^{\circ} 41' 10.7''$ east, 4,622.95 feet in the southerly line of said Dry Dock avenue and the extension thereof to a point in the United States pierhead and bulkhead line established by the Secretary of War June 30, 1916, on the southerly side of the main ship channel in Boston harbor; thence south $49^{\circ} 32' 49.2''$ east, 750.64 feet in said pierhead and bulkhead line to a point; thence south $88^{\circ} 41' 10.7''$ west, 5,194.79 feet in a line parallel with and 100 feet northerly from the said United States pierhead and bulkhead line on the northerly side of said Reserved channel to the point of beginning; containing 2,508,910 square feet of land and flats, as shown on a plan entitled "Land on South Boston Flats sold to the United States of America by the Commonwealth of Massachusetts—Commission on Waterways and Public Lands—Frank W. Hodgdon, Engineer," dated March 22, 1918.

SECTION 2. Jurisdiction over the above described lands is hereby granted and ceded to the United States of America, but upon the express condition that the commonwealth shall retain concurrent jurisdiction with the United States of America in and over said lands, insofar that all civil processes, and such criminal processes as may issue under the authority of the commonwealth against any person or persons charged with crimes committed without said lands and all processes for collection of taxes levied under authority of the laws of the commonwealth, including the service of warrants, may be executed thereon in the same manner as though this cession had not been granted; provided, that the exclusive jurisdiction in and over such lands shall revert to and revest in the commonwealth whenever such lands shall cease to be used for the purpose set forth in section one.

SECTION 3. This act shall take full effect upon the filing in the office of the state secretary of a suitable plan of the lands described in section one, but not otherwise.

Approved January 31, 1942.

AN ACT TEMPORARILY INCREASING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES IN THE SERVICE OF CERTAIN COUNTIES.

Chap. 15

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide without delay additional income for certain officers and employees of certain counties in view of the current increase in the cost of living due to the existence of the present state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The salary of each officer and employee in the service of any county, except Suffolk, receiving a salary at the rate of less than fifteen hundred dollars per annum for full time service, whether such salary is payable in whole or in part from the treasury of one or more counties or from funds administered by or through county officers, or from any combination of such sources, is hereby increased by an amount of one hundred and fifty dollars per annum; provided, that no increase shall be made hereunder which will increase the total salary of any such officer or employee to an amount in excess of fifteen hundred and eighty dollars per annum. The salary of each officer and employee in said service receiving a salary at the rate of fifteen hundred dollars per annum but less than twenty-four hundred and eighty dollars per annum for full time service, payable as aforesaid, is hereby increased by an amount of one hundred dollars per annum; provided, that no increase shall be made hereunder which will increase the total salary of any such officer or employee to an amount in excess of twenty-four hundred and eighty dollars per annum.

SECTION 2. Every employee entering the service of any county, except Suffolk, between February first in the current year and June thirtieth, nineteen hundred and forty-three, shall be entitled to receive the compensation of the position as increased by this act.

SECTION 3. The following words, as used in this act, unless the context otherwise requires, shall have the following meanings:—

“Employee” shall include any person performing work for hire at a stated salary, whether paid on a monthly, weekly or other basis.

“Officer” shall include justices, clerks, assistant clerks, probation officers and other officers of district and probate courts and of the superior court.

“Salary” shall include compensation, however payable.

SECTION 4. The county personnel board is hereby directed to revise its schedules of rates and ranges to conform to the provisions of section one.

SECTION 5. Said board shall administer so much of this act as affects the salary of any person whose office or position is subject to any provision of sections forty-eight to fifty-six, inclusive, of chapter thirty-five of the General Laws, and the director of accounts shall administer so much thereof as affects the salary of any person whose office or position is not subject to said sections; provided, that nothing in this act shall be construed to limit the respective powers of said board and said director as now defined by law.

SECTION 6. The increase in salaries provided for by this act shall be effective only for the period beginning February first in the current year and ending June thirtieth, nineteen hundred and forty-three, and the granting of an increase hereunder to an officer or employee shall not prevent him from receiving during said period step rate increases to which he may be entitled.

SECTION 7. No increase in salary made by this act shall, for any purpose of chapter thirty-two of the General Laws or any other provision of law providing for pensions, annuities or retirement allowances for officers or employees of counties, be deemed or construed to be a portion of the regular compensation of any officer or employee now or formerly in the service of any county.

SECTION 8. Section one of chapter five hundred and twenty-eight of the acts of nineteen hundred and forty-one is hereby amended by inserting at the end of the first paragraph, the following new sentence: — No direct draft against the account hereinafter established, numbered item 32 and called "reserve for salary increases", shall be made, but transfers from this account may be made, upon the request of the county commissioners and with the approval of the director of accounts, to meet expenditures for salary increases.

SECTION 9. Said section one is hereby further amended by inserting under the headings for the several counties hereinafter referred to, after item 31 in each case, the following items respectively:

Item	Fiscal Year 1942.
(Barnstable County.)	
32 For reserve for salary increases, a sum not exceeding	\$9,750 00
(Berkshire County.)	
32 For reserve for salary increases, a sum not exceeding	7,500 00
(Bristol County.)	
32 For reserve for salary increases, a sum not exceeding	16,000 00
(Dukes County.)	
32 For reserve for salary increases, a sum not exceeding	1,000 00
(Essex County.)	
32 For reserve for salary increases, a sum not exceeding	38,000 00

Item		Fiscal Year 1942.
	(Franklin County.)	
32	For reserve for salary increases, a sum not exceeding	\$4,200 00
	(Hampden County.)	
32	For reserve for salary increases, a sum not exceeding	16,500 00
	(Hampshire County.)	
32	For reserve for salary increases, a sum not exceeding	10,500 00
	(Middlesex County.)	
32	For reserve for salary increases, a sum not exceeding	52,000 00
	(Norfolk County.)	
32	For reserve for salary increases, a sum not exceeding	18,000 00
	(Plymouth County.)	
32	For reserve for salary increases, a sum not exceeding	10,000 00
	(Worcester County.)	
32	For reserve for salary increases, a sum not exceeding	20,500 00

SECTION 10. This act shall not apply to any officer of any county elected by popular vote.

Approved January 31, 1942.

AN ACT TO PROVIDE FOR THE TEMPORARY RE-EMPLOYMENT
OF FORMER OFFICERS AND EMPLOYEES OF THE COMMON-
WEALTH OR OF ANY POLITICAL SUBDIVISION THEREOF DURING
THE CONTINUANCE OF THE EXISTING STATE OF WAR
BETWEEN THE UNITED STATES AND ANY FOREIGN COUNTRY. Chap. 16

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available to the commonwealth and its political subdivisions the services of retired officers and employees thereof during the existing state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Any former officer or employee of the commonwealth or of any political subdivision thereof who has been retired under any retirement or pension law, or who has been separated from the public service by reason of superannuation or disability without receiving a retirement allowance or pension, may be employed in the service of any department, board or commission of the commonwealth or of any political subdivision thereof. No such person shall be employed by any appointing officer of a county, city, town or district except with the written approval of the county commissioners, the mayor or, in the city of Cambridge, the city manager, the selectmen or the prudential committee or other governing body in districts, as the case may be; provided, that no such approval shall be necessary in the case of a person formerly employed by the school

committee and employed by such committee under authority of this act. The written approval of the director of civil service shall also be required for each appointment to any position or employment subject to chapter thirty-one of the General Laws. Any person so employed shall receive full compensation for such services less any retirement allowance or pension received by him; provided, that any such person employed by the city of Boston or by the county of Suffolk may be paid such compensation as may be determined by the department head with the written approval of the mayor of said city.

SECTION 2. The retirement rights of any person employed under authority of section one shall not be affected by such employment. No deductions for retirement purposes shall be made from compensation paid to such persons while so employed, and section ninety-one of chapter thirty-two of the General Laws and comparable provisions of other retirement laws shall not be applicable to such persons. All persons employed under authority of section one in positions or employments subject to chapter thirty-one of the General Laws shall be subject to said chapter thirty-one and the rules and regulations made thereunder except that the provisions thereof dealing with examinations and certifications and appointments to and separations from the service shall not apply to such persons.

SECTION 3. This act shall remain in effect during the continuance of the existing state of war between the United States and any foreign country, and employments hereunder shall not extend beyond the effective period of this act.

Approved January 31, 1942.

Chap. 17 AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to secure at once the benefits of the present surplus commodity stamp plan, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The notes which the state treasurer is authorized to issue under section two of chapter nine of the acts of the current year, providing for the establishment in the state treasury of a surplus commodity stamp trust fund and regulating the administration thereof, shall be issued for maximum terms to expire not later than August first, nineteen hundred and forty-three, as recommended by the governor in a message to the general court dated January thirty-first, nineteen hundred and forty-two, in pursuance of section 3 of Article LXII of the amendments to the constitution.

Approved January 31, 1942.

AN ACT PROVIDING FOR DIVERS EMERGENCY EXPENDITURES OF THE COMMONWEALTH. *Chap. 18*

Be it enacted, etc., as follows:

SECTION 1. There may be expended under the direction of the governor such sums as may be necessary to meet any emergency which may arise by reason of the exigencies of the existing state of war; provided, that the aggregate amount of such expenditures, together with expenditures hereafter incurred in carrying out chapter seven hundred and nineteen of the acts of nineteen hundred and forty-one and expenditures incurred in carrying out chapters twelve and thirteen of the acts of the current year, shall not exceed seven million dollars. All expenditures hereinbefore referred to shall be subject to the approval of the council.

Requests for any such expenditures shall be referred by the governor to the commission on administration and finance, which, after investigation of the need of such expenditure, shall forthwith submit to the governor its written recommendation of the amount of funds required, together with pertinent facts relative thereto.

SECTION 2. For the purpose of defraying in whole or in part the expenditures referred to in section one a sum not exceeding three million five hundred thousand dollars is hereby appropriated from the general fund or ordinary revenue of the commonwealth.

SECTION 3. The governor, upon recommendation of the commission on administration and finance and with the approval of the council, may make allocations by transfer or otherwise from the unexpended balances of appropriations for the fiscal years ending November thirtieth, nineteen hundred and forty-one and November thirtieth, nineteen hundred and forty-two, respectively, contained in appropriation items of chapters four hundred and nineteen, six hundred and eighty-three and seven hundred and thirty of the acts of nineteen hundred and forty-one, for use for meeting in whole or in part the expenditures referred to in section one and also for setting up such reserves as are deemed necessary to compensate for shrinkage in estimated revenue. In determining the items from which allocations are to be made, consideration shall be given to the necessity of the expenditures authorized by such items in relation to the defense of the commonwealth and its participation in the conduct of the war.

SECTION 4. All expenditures under section one and the employment of all persons whose positions have been created by reason of money made available by this act shall cease not later than thirty days after the governor, with the advice and consent of the council, shall have proclaimed that the existing emergency is ended.

SECTION 5. This act shall take effect upon its passage.

Approved January 31, 1942.

NOTE.

The general court of 1941 at a special session in 1942 passed eighteen Acts which received executive approval.

The general court was prorogued on Saturday, January 31, 1942, at seventeen minutes before eight o'clock P.M., the session having occupied six days.

APPENDIX

The following table and indexes have been prepared by FERNALD HUTCHINS, Esq., and HENRY D. WIGGIN, Esq., counsel, respectively, to the Senate and House of Representatives, in accordance with section fifty-one of chapter three of the General Laws, as amended.

TABLE

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMON-
WEALTH, AS APPEARING IN THE TERCENTENARY
EDITION, HAVE BEEN AFFECTED BY LEGISLATION
ENACTED BY THE GENERAL COURT SINCE
JANUARY FIRST, NINETEEN HUNDRED
AND THIRTY-TWO.*†‡

Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

SECT. 3 revised, 1933, 278 § 1.

Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECT. 8 added, 1941, 121 (designating the American elm as the state tree).

SECT. 9 added, 1941, 121 (designating the Chickadee as the state bird).

Chapter 3. — The General Court.

SECT. 5 amended, 1937, 364 § 1; 1939, 508 § 1.

SECT. 6 revised, 1937, 364 § 2; amended, 1939, 424 § 1. (See 1939, 424 § 3.)

SECT. 6A added, 1939, 424 § 2 (imposing restrictions on the granting of authority to use the designation of junior college). (See 1939, 424 § 3.)

SECT. 7 revised, 1937, 364 § 3.

SECT. 9 revised, 1937, 236 § 1; 1941, 307 § 1; amended, 1941, 600 § 1. (See 1941, 307 § 2; 1941, 600 § 2.)

SECT. 11 repealed, 1937, 236 § 2.

SECT. 12 revised, 1937, 360 § 1. (See 1937, 360 §§ 3-5.)

SECT. 13 revised, 1937, 360 § 2; amended, 1941, 230. (See 1937, 360 §§ 3-5.)

SECT. 18 amended, 1941, 433 § 1. (See 1941, 433 § 4.)

SECT. 19 amended, 1935, 210.

SECT. 20 revised, 1939, 508 § 2; amended, 1941, 433 § 2. (See 1941, 433 § 4.)

* For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

† References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

‡ This table includes references to legislation enacted at the special session of January, 1942.

SECT. 20A added, 1937, 189 (relative to the purchase of uniforms for the sergeant-at-arms, doorkeepers, assistant doorkeepers, general court officers and pages of the general court).

SECT. 22 amended, 1939, 508 § 3.

SECT. 23 revised, 1941, 347.

SECT. 46 amended, 1939, 508 § 4.

SECT. 47 amended, 1939, 508 § 5.

SECT. 49 amended, 1939, 508 § 6.

SECT. 51 amended, 1939, 508 § 7.

SECT. 53 revised, 1939, 376 § 1. (See 1939, 376 § 2.)

Chapter 4. — Statutes.

SECT. 5 revised, 1935, 69.

SECT. 7, clause Ninth revised, 1941, 509 § 1; clause Eighteenth amended, 1934, 283; 1935, 26; 1936, 180; 1937, 38; 1938, 245; 1941, 91 § 1. (See 1941, 509 § 9.)

SECT. 10. Affected, 1942, 5.

Chapter 5. — Printing and Distribution of Laws and Public Documents.

As to the distribution of the Tercentenary Edition of the General Laws, see 1932, Resolve 53; 1933, Resolve 19; 1935, Resolve 18; 1937, Resolve 16; 1939, Resolve 19; 1941, Resolve 19.

SECT. 1, last paragraph revised, 1932, 254; two paragraphs added at end, 1937, 373; section revised, 1938, 419; amended, 1941, 428.

SECT. 2, paragraphs (4) and (6) revised, 1939, 508 § 8.

SECT. 3, paragraphs in twelfth to forty-second lines, amended, 1938, 196; 1941, 351 § 1.

SECT. 6 amended, 1939, 508 § 9.

SECT. 9 amended, 1933, 245 § 1.

SECT. 10 revised, 1939, 508 § 10.

SECT. 11, paragraph in thirteenth line revised, 1941, 329.

SECT. 18 amended, 1935, 226 § 1.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368; term extended, 1935, 380; 1937, 338; 1938, 20, 501 § 3; 1941, 720 § 16.

SECT. 8 amended, 1941, 722 § 1.

SECT. 12B added, 1932, 14 (relative to the observance of the anniversary of the death of Brigadier General Casimir Pulaski).

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1935, 26.)

SECT. 12D added, 1932, 242 (relative to the observance of the anniversary of the Boston Massacre, etc.).

SECT. 12E added, 1934, 191 (relative to the observance of the anniversary of the death of Commodore John Barry).

SECT. 12F added, 1935, 23 (relative to the observance of the anniversary of the battle of New Orleans); amended, 1938, 49.

SECT. 12G added, 1935, 96 (providing for an annual proclamation by the governor relative to American Education Week).

SECT. 12H added, 1935, 148 (relative to the observance of the anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 184 (relative to the annual observance of Indian Day); revised, 1939, 56.

SECT. 12J added, 1938, 22 (relative to the annual observance of April nineteenth as Patriots' Day).

SECT. 12K added, 1938, 80 (relative to the annual observance of Evacuation Day, so called).

SECT. 12L added, 1941, 387 (relative to the annual observance of Veteran Firemen's Muster Day).

SECT. 16 amended, 1941, 490 § 1.

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1, 336 § 1; 1934, 374 § 1; 1935, 475 § 1; revised, 1939, 393 § 1. (See 1933, 336 § 3.)

SECT. 18 and heading stricken out and new section inserted, under heading "ARMORY COMMISSION", 1937, 300 § 1; sentence added at end, 1941, 19. (See 1937, 300 § 2.)

SECT. 22 amended, 1936, 341 § 1. (See 1936, 341 § 2.)

SECT. 24 amended, 1941, 596 § 1.

SECT. 28 amended, 1938, 18.

SECT. 28A amended, 1934, 208 § 1.

SECT. 28E added, 1934, 208 § 2 (relative to the dissemination of information concerning the public bequest fund).

SECT. 32, paragraph added at end, 1937, 227; same paragraph revised, 1938, 473 § 1.

SECT. 42 added, under caption "MILK REGULATION BOARD", 1932, 305 § 2.

SECTS. 43-45 added, 1933, 120 § 2 (relative to the alcoholic beverages control commission).

SECT. 43 amended, 1933, 375 § 1.

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECT. 45 revised, 1941, 596 § 2.

SECTS. 46 and 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 48 added, under caption "STATE RACING COMMISSION", 1934, 374 § 2; last paragraph revised, 1941, 596 § 3.

SECTS. 49-52 added, under caption "STATE PLANNING BOARD", 1935, 475 § 2.

SECT. 49 amended, 1936, 307; 1939, 451 § 1; revised, 1941, 466 § 5. (See 1941, 466 §§ 1-4, 7A, 8.)

SECT. 50A added, 1941, 466 § 7 (relative to the powers and duties of the state planning board formerly exercised by the metropolitan planning division). (See 1941, 466 §§ 1-4, 7A, 8.)

Chapter 7. — Commission on Administration and Finance.

SECT. 6A added, 1941, 433 § 3 (providing for the appointment of the postmaster and assistant postmaster of the central mailing room by the Commission on Administration and Finance). (See 1941, 433 § 4.)

SECT. 22, clause (17) revised, 1933, 353 § 1.

SECT. 23A added, 1933, 353 § 2 (providing a preference in the purchase of supplies and materials by contractors for certain state work in favor of domestic supplies and materials).

SECT. 26 amended, 1939, 451 § 2.

SECT. 33 revised, 1939, 499 § 1.

Chapter 8. — State Superintendent of Buildings, and State House.

SECTS. 1-12 affected, 1935, 327; 1941, 627 § 3.

SECT. 1 revised, 1938, 249 § 1. (See 1938, 249 § 6.)

SECT. 4 amended, 1935, 251; revised, 1937, 84 § 1; 1938, 249 § 2. (See 1937, 84 § 2; 1938, 249 § 6.)

SECT. 5 revised, 1935, 460 § 1; amended, 1938, 387 § 1. (See 1935, 460 § 2; 1938, 387 § 2.)

SECT. 9 amended, 1938, 249 § 3. (See 1938, 249 § 6.)

SECT. 10 amended, 1938, 249 § 4. (See 1938, 249 § 6.)

SECT. 10A revised, 1933, 170; 1941, 267.

SECT. 12 revised, 1938, 249 § 5. (See 1938, 249 § 6.)

SECT. 17 amended, 1932, 188 § 1; 1933, 199 § 1.

SECT. 18 amended, 1932, 188 § 2; 1933, 199 § 2.

Chapter 9. — Department of the State Secretary.

SECT. 2 revised, 1935, 416; 1939, 283; 1941, 587.

SECT. 6 amended, 1934, 25 § 1.

SECT. 7 amended, 1934, 25 § 2; 1939, 342 § 1.

SECT. 9 amended, 1934, 127.

SECT. 15 amended, 1934, 19.

SECT. 17 amended, 1934, 37; revised, 1936, 31 § 1.

SECT. 20 added, 1935, 402 (regulating the publication and sale of the Massachusetts Reports and of the advance sheets of the opinions and decisions of the Supreme Judicial Court).

SECTS. 21-25 added, under the caption "COMMISSION ON INTERSTATE CO-OPERATION", 1937, 404 § 1 (establishing a commission on interstate co-operation as successor to the commission on interstate compacts affecting labor and industries and defining its powers and duties, and providing for a commission required to be established under an interstate compact on the minimum wage). (See 1937, 404 §§ 2, 3.)

SECT. 21 amended, 1941, 394 § 1.

SECT. 23 amended, 1941, 394 § 2.

Chapter 10. — Department of the State Treasurer.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368; 1939, 417, 418; term extended, 1935, 380; 1937, 338; 1938, 20, 501 § 3; 1941, 720 § 16.

SECT. 5, first sentence revised, 1941, 596 § 4.

SECT. 8 amended, 1932, 180 § 1.

SECT. 11 revised, 1939, 499 § 2.

SECT. 17 amended, 1941, 194 § 1.

Chapter 11. — Department of the State Auditor.

SECT. 2, first sentence revised, 1941, 596 § 5.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 2 amended, 1934, 133 § 1; revised, 1941, 647 § 2. (See 1934, 133 § 2.)

SECT. 3, last sentence amended, 1932, 180 § 2.

SECT. 3B amended, 1933, 318 § 1; 1934, 291 § 1. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 11 amended, 1939, 499 § 3.

SECT. 14, paragraph in lines 5 and 6 revised, 1935, 209; paragraph in lines 7 and 8 revised, 1935, 433 § 1; section revised, 1935, 458 § 1; next to last paragraph revised, 1941, 470 § 1.

SECT. 15 revised, 1935, 458 § 2; paragraph in line 8 revised, 1937, 279 § 1.

SECT. 16, paragraph in lines 9-11 revised, 1935, 433 § 2; section revised, 1935, 458 § 3; paragraph in lines 23 and 24 revised, 1937, 279 § 2; next to last paragraph revised, 1941, 470 § 2.

SECT. 25 amended, 1937, 64 § 1.

Chapter 13. — Department of Civil Service and Registration.

SECT. 1 revised, 1939, 238 § 1. (See 1939, 238 §§ 52-55.)

SECT. 2 revised, 1939, 238 § 2; paragraph inserted after second paragraph, 1941, 403. (See 1939, 238 §§ 52-55.)

SECT. 2A added, 1939, 238 § 3 (relative to the appointment and compensation of civil service commissioners); fourth sentence revised, 1941, 457. (See 1939, 238 §§ 52-55.)

SECT. 3 amended, 1932, 180 § 3; revised, 1939, 238 § 4. (See 1939, 238 §§ 52-55.)

SECT. 4 revised, 1939, 238 § 5.

SECT. 5 revised, 1939, 238 § 6.

SECT. 6 revised, 1939, 238 § 7.

SECT. 8 amended, 1934, 329.

SECT. 10 amended, 1932, 8; 1939, 36.

SECT. 11 amended, 1937, 379.

SECT. 12 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 12A-12C added, under the heading "BOARD OF REGISTRATION IN CHIROPODY (PODIATRY)", 1937, 425 § 1. (See 1937, 425 §§ 14, 15.)

SECTS. 13-15 and the heading before section 13 stricken out and new sections 13-15D added under heading "BOARD OF REGISTRATION IN NURSING", 1941, 620 § 2. (See 1941, 620 §§ 1, 4-12.)

SECT. 17 revised, 1934, 339 § 1.

SECT. 25 revised, 1941, 596 § 6.

SECT. 29 and its caption stricken out and new section inserted, under the caption "BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING", 1936, 407 § 1. (See 1936, 407 §§ 5-8.)

SECT. 31 revised, 1936, 407 § 2. (See 1936, 407 §§ 5-8.)

SECT. 32 revised, 1935, 420 § 1; amended, 1939, 238 § 8. (See 1935, 420 § 2.)

SECT. 36, second paragraph revised, 1941, 596 § 7.

SECT. 39 amended, 1941, 385 § 1. (See 1941, 385 § 2.)

SECT. 40 amended, 1933, 149 § 1; two sentences added at end, 1934, 299 § 1. (See 1934, 299 § 2.)

SECT. 41 amended, 1938, 337 § 1. (See 1938, 337 § 2.)

SECTS. 42-44 added, under caption "BOARD OF REGISTRATION OF HAIRDRESSERS", 1935, 428 § 1. (See 1935, 428 §§ 5, 7.)

SECT. 43 amended, 1937, 385 § 1.

SECTS. 44A-44D added, under caption "BOARD OF REGISTRATION OF ARCHITECTS", 1941, 696 § 1. (See 1941, 696 §§ 3, 4.)

SECTS. 45-47 added, under caption "BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS", 1941, 643 § 1. (See 1941, 643 §§ 3-5.)

SECT. 47 amended, 1941, 722 § 1A.

Chapter 14. — Department of Corporations and Taxation.

SECT. 4 revised, 1941, 596 § 8.

Chapter 15. — Department of Education.

SECT. 3 amended, 1941, 138.

SECT. 4 revised, 1939, 409 § 2. (See 1939, 409 §§ 1, 5.)

SECT. 5 revised, 1941, 596 § 9.

SECT. 6A amended, 1938, 446 § 13; revised, 1941, 531. (See 1938, 446 § 14.)

SECT. 6B added, 1941, 676 § 1 (relative to the supervisor of guidance and placement). (See 1941, 646.)

SECT. 12 revised, 1935, 367; 1939, 409 § 3. (See 1939, 409 §§ 1, 5.)

SECT. 19 amended, 1942, 1 § 2. (See 1942, 1 § 9.)

SECT. 22. Caption preceding section changed, 1942, 1 § 3; section amended 1942, 1 § 4. (See 1942, 1 § 9.)

Chapter 16. — Department of Public Works.

SECT. 5 revised, 1941, 596 § 10.

SECT. 5A added, 1938, 407 § 1 (establishing a division of waterways in the department of public works). (See 1941, 695 § 14.)

SECT. 6 amended, 1935, 418 § 1; 1939, 393 § 2. (See 1939, 393 § 5.)

Chapter 17. — Department of Public Health.

SECT. 3 revised, 1939, 233 § 1. (See 1939, 233 §§ 2, 3.)

SECT. 4 revised, 1941, 596 § 11; 725 § 1. (See 1941, 725 §§ 4-6.)

SECT. 6 revised, 1941, 725 § 2. (See 1941, 725 §§ 4-6.)

SECT. 7 revised, 1941, 725 § 3. (See 1941, 725 §§ 4-6.)

Chapter 18. — Department of Public Welfare.

SECT. 7 amended, 1935, 311 § 1; revised, 1941, 596 § 12.

SECT. 8 revised, 1941, 351 § 2.

SECT. 9 revised, 1941, 596 § 13.

SECTS. 17 and 18 added, under caption "STATE BOARD OF HOUSING", 1933, 364 § 1 (establishing within the department a state board of housing).

SECT. 17 amended, 1935, 449 § 1; 1938, 485 § 1. (See 1938, 485 § 2.)

SECT. 18 amended, 1935, 449 § 1A; first sentence revised, 1941, 596 § 14.

Chapter 19. — Department of Mental Health.

Name of department of mental diseases changed to department of mental health, 1938, 486 § 1. (See 1938, 486 §§ 21, 22.)

Title revised, 1941, 194 § 2.

SECT. 1 revised, 1938, 486 § 2; 1939, 511 § 1. (See 1938, 486 §§ 1, 21, 22; 1939, 511 § 3.)

SECT. 2 revised, 1938, 486 § 3; 1939, 511 § 2. (See 1938, 486 §§ 21, 22; 1939, 511 § 3.)

SECT. 3 repealed, 1938, 486 § 4.

SECT. 4 revised, 1938, 486 § 5. (See 1938, 486 §§ 21, 22.)

SECT. 4A amended, 1938, 486 § 6. (See 1938, 486 §§ 21, 22.)

SECT. 5 amended, 1935, 314 § 2, 421 § 3. (See 1935, 421 §§ 5, 6.)

SECT. 6. See 1935, 314 § 1.

Chapter 20. — Department of Agriculture.

SECT. 4 amended, 1933, 74 § 1; revised, 1934, 340 § 1; amended, 1941, 490 § 2; revised, 1941, 596 § 15. (See 1934, 340 § 18.)

SECT. 6 added, 1934, 340 § 2 (experts and assistants in division of livestock disease control). (See 1934, 340 § 18.)

SECTS. 7-9 added, under caption "DIVISION OF MILK CONTROL", 1941, 691 § 1. (See 1941, 691 §§ 3-6.)

(For prior temporary legislation, see 1934, 376; 1936, 300; 1938, 334; 1939, 413; 1941, 418 § 1; 631 § 1.)

Chapter 21. — Department of Conservation.

For temporary legislation establishing within the department a Timber Salvage Commission, and defining its powers and duties, see 1939, 99.

SECT. 1 amended, 1934, 340 § 3; revised, 1939, 491 § 1. (See 1934, 340 § 18; 1939, 491 § 12.)

SECT. 3 revised, 1933, 75 § 1; amended, 1934, 340 § 4; revised, 1939, 491 § 2. (See 1934, 340 § 18; 1939, 491 § 12.)

SECTS. 3A and 3B repealed, 1932, 180 § 4.

SECT. 4 revised, 1939, 491 § 3. (See 1939, 491 § 12.)

SECT. 6 revised, 1939, 491 § 4. (See 1939, 491 § 12.)

SECT. 6A inserted, 1941, 599 § 3 (establishing a bureau of law enforcement in the division of fisheries and game). (See 1941, 599 § 4A.)

SECT. 7 revised, 1933, 329 § 3; 1937, 413 § 1. (See 1937, 413 §§ 3, 4.)

SECT. 7A added, 1934, 173 § 1 (establishing the office of state ornithologist in the division of fisheries and game); revised, 1939, 491 § 5. (See 1934, 173 § 2; 1939, 491 § 12.)

SECTS. 7B and 7C added, 1939, 491 § 6 (relative to the division of wildlife research and management). (See 1939, 491 § 12.)

SECT. 8 repealed, 1939, 491 § 7. (See 1939, 491 § 12.)

SECT. 8A revised, 1933, 329 § 4. Section stricken out and new sections 8A-8C added, 1939, 491 §§ 8. (See 1939, 491 § 12.)

SECTS. 8B-8C stricken out and new sections 8B-8D inserted, 1941, 598 § 6. (See 1941, 598 §§ 8, 9.)

SECTS. 9 and 10 repealed, 1934, 340 § 5. (See 1934, 340 § 18.)

SECT. 11 revised, 1933, 75 § 2; section and its caption stricken out and new section inserted under the caption "DIVISION OF PARKS AND RECREATION", 1939, 491 § 9. (See 1939, 491 § 12.)

SECT. 12 revised, 1933, 75 § 3; amended, 1941, 490 § 3.

Chapter 22. — Department of Public Safety.

SECT. 9A, sentence added at end, 1939, 503 § 4. (See 1939, 503 § 5.)

SECT. 9B amended, 1939, 508 § 11.

SECT. 9C added, 1933, 239 (relative to the uniform of members of the state police).

Chapter 23. — Department of Labor and Industries.

SECT. 3 amended, 1934, 331 § 1; two sentences revised, 1935, 479 § 1; section amended, 1941, 490 § 4. (See 1935, 479 § 7.)

SECT. 4 amended, 1934, 331 § 2; 1935, 479 § 2; first two sentences amended, 1939, 261 § 1; section amended, 1941, 490 § 5; first two sentences revised, 1941, 596 § 16; same two sentences revised, 1941, 707 § 1. (See 1939, 261 § 25.)

SECT. 5 amended, 1935, 479 § 3. (See 1935, 479 § 7.)

SECT. 8 amended, 1939, 261 § 2. (See 1939, 261 § 25.)

SECT. 9 revised, 1935, 60 § 1.

SECT. 9A revised, 1932, 99; repealed, 1933, 73.

SECT. 9B repealed, 1933, 73.

SECT. 9C revised, 1932, 187; repealed, 1933, 73.

SECT. 9D repealed, 1939, 261 § 3.

SECT. 9E amended, 1941, 490 § 6.

SECT. 9G amended, 1939, 459 § 2. (See 1939, 459 § 3.)

SECT. 9H revised, 1933, 362; 1939, 261 § 4.

SECTS. 9I–9N added, 1935, 479 § 4 (establishing the Unemployment Compensation Commission, and defining its powers and duties); same sections revised and the powers and duties of the commission conferred and imposed upon the director of the division of unemployment compensation, 1939, 20 § 1; name of said division changed to division of employment security, 1941, 685 § 4. (See 1935, 479 §§ 6, 7; 1939, 20 §§ 6, 7, 8, 9.)

SECT. 9I, paragraph (a) revised, 1941, 685 § 4; 709 § 4; paragraph (b) revised, 1941, 596 § 17. (See 1941, 685 § 6; 709 §§ 1–3.)

SECT. 9K, first sentence revised, 1941, 709 § 5. (See 1941, 709 §§ 1–3.)

SECT. 9L amended, 1941, 709 § 6.

SECT. 9N, paragraph (b) revised, 1941, 611 § 1; section revised, 1941, 685 § 5. (See 1941, 611 §§ 2, 3, 685 § 6.)

SECTS. 9O–9R added, under the caption "LABOR RELATIONS COMMISSION", 1938, 345 § 1 (incorporating the provisions of 1937, 436 relative to the labor relations commission as an addition to the general laws). (See 1938, 345 §§ 3, 4.)

SECT. 11A (and caption) added, 1934, 331 § 3 (division of occupational hygiene).

SECTS. 11B–11D added, under the caption "THE MASSACHUSETTS DEVELOPMENT AND INDUSTRIAL COMMISSION", 1937, 427 (establishing the Massachusetts development and industrial commission for the pro-

motion and development of the industrial, agricultural and recreational resources of the commonwealth).

SECT. 11C revised, 1941, 596 § 17A.

SECTS. 11E-11L added, under the caption "DIVISION OF APPRENTICE TRAINING", 1941, 707 § 2. (For prior temporary legislation see 1938, 448; 1939, 471.)

Chapter 25. — Department of Public Utilities.

SECT. 4 revised, 1938, 221.

SECT. 8A added, 1939, 442 § 2 (authorizing the appointment of employees for the administration and enforcement of the sale of securities law).

SECT. 9A added, 1933, 76 § 2 (providing for certain employees serving directly under the commission of the department to perform its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 2.

SECT. 10 amended, 1933, 76 § 3; 1934, 352 § 3; 1939, 442 § 3.

SECT. 10A added, 1933, 76 § 4 (providing for the apportionment of expenses incurred by the department in the performance of its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 4.

SECTS. 11 and 12 repealed, 1935, 411 § 1. (See 1935, 411 § 2.)

SECT. 12A revised, 1938, 445 § 1; repealed, 1939, 442 § 1.

SECT. 12B revised, 1932, 290 § 2; repealed, 1939, 442 § 1.

SECTS. 12C-12F repealed, 1933, 76 § 1; new sections 12C-12E added, under caption "DIVISION OF SMOKE INSPECTION", 1934, 352 § 1.

SECT. 12C revised, 1941, 596 § 18.

SECT. 12F added, 1935, 405 § 1 (establishing in the department a commercial motor vehicle division, under the charge of a director thereof); phrase added at end, 1935, 477 § 2; section amended, 1939, 335 § 1; revised, 1941, 596 § 19; new sentence added at end, 1941, 653 § 1. (See 1939, 335 § 2.)

SECT. 12G added, 1936, 117 (authorizing the director of the commercial motor vehicle division in the department of public utilities to summon witnesses, administer oaths and take testimony).

Chapter 26. — Department of Banking and Insurance.

For temporary legislation providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143.

SECT. 3 revised, 1941, 596 § 20.

SECT. 4 revised, 1941, 596 § 21.

SECT. 8A revised, 1934, 2; amended, 1935, 419.

Chapter 27. — Department of Correction.

SECT. 2 revised, 1939, 90; 1941, 596 § 22.

SECT. 4 repealed, 1941, 690 § 7.

SECT. 5 revised, 1934, 350 § 1; 1937, 399 § 1. (See 1934, 350 §§ 2-4; 1937, 399 §§ 3-6.)

SECT. 5A added, 1941, 690 § 6 (relative to the employment of agents and employees of the parole board to perform duties in connection with the release of prisoners). (See 1941, 690 §§ 8, 10.)

Chapter 28. — Metropolitan District Commission.

SECT. 3 revised, 1936, 244 § 1; 1941, 596 § 23. (See 1936, 244 § 4.)

SECT. 4 amended, 1936, 244 § 2. (See 1936, 244 § 4.)

SECTS. 5 and 6 repealed, 1941, 466 § 6.

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335; 1935, 221, 300, 380, 392, 456; 1936, 309; 1937, 338; 1938, 20, 57, 481, 501 § 3; 1939, 288, 417, 418, 496; 1941, 129.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4; 1939, 516 §§ 2, 3, 4, 6, 7, 8; 1941, 731 §§ 2, 3, 4, 6, 7, 8.

For legislation providing for the establishment of a surplus commodity stamp trust fund, see 1942, 9, 17.

SECT. 1, paragraph added at end, 1939, 502 § 1; same paragraph revised, 1941, 509 § 2. (See 1941, 509 § 9.)

SECT. 3 revised, 1939, 502 § 2.

SECT. 4 amended, 1939, 502 § 3.

SECT. 5 revised, 1939, 502 § 4; 1941, 656 § 2. (See 1941, 656 § 17.)

SECT. 5A amended, 1939, 502 § 5.

SECT. 6 amended, 1937, 426 § 1; revised, 1939, 502 § 6; amended, 1941, 490 § 7; 656 § 3. (See 1937, 426 § 2; 1941, 656 § 17.)

SECT. 8A added, 1939, 427 (relative to competitive bidding on state contracts); revised, 1941, 547 § 1.

SECT. 9A revised, 1939, 502 § 7; amended, 1941, 656 § 4. (See 1941, 656 § 17.)

SECT. 9B added, 1941, 564 § 1 (providing for the allotment of certain appropriations by the governor). (See 1941, 564 § 2.)

SECT. 10 amended, 1936, 256; revised, 1939, 502 § 8; 1941, 656 § 5. (See 1941, 656 § 17.)

SECT. 11 amended, 1939, 502 § 9; 1941, 656 § 6. (See 1941, 656 § 17.)

SECT. 12 amended, 1939, 502 § 10.

SECT. 14 revised, 1939, 502 § 11.

SECT. 20A added, 1937, 407 (relative to public inspection of certain orders and claims, in advance of approval or rejection thereof, in connection with state contracts).

SECT. 25 amended, 1941, 656 § 7. (See 1941, 656 § 17.)

SECT. 26 revised, 1939, 502 § 12; amended, 1941, 656 § 8. (See 1941, 656 § 17.)

SECT. 27 amended, 1937, 359; revised, 1939, 502 § 13; amended, 1941, 656 § 9. (See 1941, 656 § 17.)

SECT. 29 amended, 1939, 502 § 14.

SECT. 31, last sentence amended, 1932, 127 § 2; section amended, 1941, 508.

SECT. 34 amended, 1936, 333.

SECT. 38, subdivision (*h*) added, 1934, 356.

SECT. 48A added, 1937, 252 (authorizing the use of facsimile signatures of the governor on certain bonds and notes of the commonwealth).

SECT. 50 revised, 1939, 502 § 15; 1941, 656 § 10. (See 1941, 656 § 17.)

SECT. 63 added, 1937, 157 (providing for taxpayers' petitions for enforcement of certain provisions of law relative to state finance).

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

For temporary act increasing the salaries of certain officers and employees in the service of the commonwealth, see 1942, 12.

Provisions relative to expenses incurred for certain meals by state employees, 1933, 174 § 8; 1934, 162 § 6; 1935, 249 § 7; 1936, 304 § 7; 1937, 234 § 6; 1938, 356 § 5; 1939, 309 § 4; 1941, 419 § 4.

Provisions relative to the purchase of passenger automobiles, 1939, 309 § 4; 1941, 419 § 4.

Provisions relative to expenses incurred by state employees in the operation of motor vehicles, 1939, 309 § 5; 1941, 419 § 5.

For legislation relative to commencement of terms of certain state officers, see 1939, 304.

SECT. 7 revised, 1937, 414 § 1; amended, 1941, 512.

SECT. 24 revised, 1937, 430.

SECT. 28 revised, 1941, 656 § 11. (See 1941, 656 § 17.)

SECT. 32 revised, 1939, 499 § 4.

SECT. 32A added, 1939, 499 § 4A (relative to the force and effect of rules and regulations included in annual reports).

SECT. 33 revised, 1939, 499 § 5.

SECT. 33A amended, 1939, 499 § 6.

SECT. 39 revised, 1934, 351; amended, 1935, 217 § 1; revised, 1935, 472 § 1.

SECT. 42 revised, 1936, 359; amended, 1941, 450 § 1.

SECT. 44B added, 1941, 678 § 1 (relative to pipe lines for conveying petroleum and its products and by-products).

SECT. 47, last sentence revised, 1941, 656 § 12. (See 1941, 656 § 17.)

Chapter 31. — Civil Service.

For temporary legislation protecting the civil service rights of certain persons in the military or naval service of the United States, see 1941, 708.

SECT. 1, definitions contained in fourth to eighth lines revised, 1939, 238 § 9. (See 1939, 238 §§ 52-55.)

SECT. 2 revised, 1939, 238 § 10. (See 1939, 238 §§ 52-55.)

SECT. 2A added, 1939, 238 § 11 (relative to the duties of the director of civil service); clause (b) revised, 1939, 506 § 1; clause (e) revised, 1941, 402 § 2; clause (c) amended, 1941, 721. (See 1939, 238 §§ 52-55.)

SECT. 3, clause (g) added, 1937, 223 (giving preference to blind persons in the employment of typists in certain cases by state departments, boards and commissions); section amended, 1939, 238 § 12; revised, 1939, 498 § 1; clause (a) revised, 1941, 190. (See 1939, 238 §§ 51-55.)

SECT. 4, fourth paragraph amended, 1938, 72; paragraph in line 19 stricken out and new paragraph inserted, 1941, 49; sixth paragraph revised, 1932, 282 § 1; section amended, 1939, 238 § 13; paragraph

added at end, 1939, 256 § 1; paragraphs added at end by 1941, 625 § 1, 1941, 627 § 1 and 1941, 686 § 2, respectively. (See 1932, 282 § 4.)

SECT. 5 amended, 1935, 405 § 2; 1936, 244 § 3; 1939, 238 § 14; revised, 1941, 402 § 3.

SECT. 5A added, 1937, 414 § 2 (relative to the employment by certain municipal officers of persons to serve in a confidential capacity).

SECT. 6, sentence added at end, 1932, 260; section amended, 1939, 238 § 15.

SECT. 6A added, 1935, 228 (dispensing with educational requirements as a condition of taking certain civil service examinations).

SECT. 7 revised, 1939, 397.

SECT. 8 amended, 1939, 238 § 16; revised, 1939, 396.

SECT. 10 revised, 1939, 238 § 17; 1939, 498 § 2.

SECT. 12 amended, 1939, 238 § 18.

SECT. 13 amended, 1938, 174 § 2.

SECT. 13A amended, 1939, 238 § 19.

SECT. 14 amended, 1939, 238 § 20.

SECT. 15 revised, 1939, 238 § 21; 1939, 506 § 2; 1941, 491.

SECT. 15A added, 1933, 267 (restricting the appointment of persons for temporary employment under the civil service laws); amended, 1934, 105.

SECT. 16A added, 1939, 506 § 3 (relative to transfers under the civil service laws).

SECT. 17 amended, 1934, 94; revised, 1939, 76; amended, 1939, 238 § 22.

SECT. 18 amended, 1939, 238 § 23.

SECT. 18A added, 1941, 627 § 4 (positions in the labor service of the department of public works to be classified by districts).

SECT. 19A added, 1932, 146 (relative to appointments to the regular fire forces in certain cities having reserve fire forces); amended, 1939, 238 § 24; revised, 1941, 38.

SECT. 20 amended, 1939, 238 § 25; revised, 1939, 419 § 3.

SECT. 20A amended, 1939, 238 § 26; revised, 1941, 39.

SECT. 20B added, 1937, 416 § 3 (providing for appointments to the regular police force of the metropolitan district commission from the list of members of the reserve police force); amended, 1939, 238 § 27; repealed, 1939, 441 § 2. (See 1937, 416 § 5; repealed, 1939, 441 § 3.)

SECT. 20C added, 1941, 621 (relative to appointments to the regular police force in certain cities and towns).

SECT. 21 amended, 1932, 89; revised, 1933, 137; amended, 1939, 238 § 28.

SECT. 22 amended, 1939, 238 § 29.

SECT. 23 amended, 1939, 238 § 30.

SECT. 24 amended, 1939, 238 § 31.

SECT. 25 amended, 1939, 238 § 32.

SECT. 29 amended, 1939, 238 § 33.

SECT. 30 amended, 1939, 238 § 34.

SECT. 31 amended, 1939, 238 § 35; revised, 1939, 422 § 1.

SECT. 31A added, 1939, 422 § 2 (relative to the making of reports by department heads pertaining to civil service employees).

SECT. 31B added, 1941, 165 § 1 (relative to the preparation and keeping of rosters of positions in the classified civil service and incumbents

thereof in connection with the payment of salaries or compensation). (See 1941, 165 § 2.)

SECT. 32 amended, 1939, 238 § 36; revised, 1939, 420 § 1.

SECT. 32A added, 1939, 420 § 2 (providing that records and files relating to civil service employees be public records).

SECT. 33 amended, 1939, 238 § 37; revised, 1939, 420 § 3.

SECT. 34 amended, 1939, 238 § 38; revised, 1939, 420 § 4.

SECT. 35 repealed, 1941, 559.

SECT. 36 amended, 1939, 238 § 39.

SECT. 37 amended, 1939, 238 § 40.

SECT. 38 amended, 1939, 238 § 41; revised, 1939, 422 § 3.

SECT. 39 amended, 1939, 238 § 42.

SECT. 40 amended, 1939, 238 § 43.

SECT. 42 amended, 1939, 238 § 44.

SECT. 45 amended, 1934, 249 § 2.

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service); amended, 1941, 166.

SECT. 45B added, 1941, 135 (requiring clerks of district courts to furnish certain information to the director of civil service).

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1; amended, 1941, 257.

SECT. 46B added, 1939, 238 § 45.

SECTS. 46C, 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees).

SECT. 46C amended, 1934, 84; 1936, 66; revised, 1938, 297 § 1; amended, 1939, 238 § 46.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases); paragraph added at end, 1936, 297; last paragraph amended, 1939, 238 § 47; 1941, 136.

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the metropolitan district commission in certain cases); amended, 1939, 238 § 48.

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in the classified civil service in certain cases); revised, 1938, 297 § 2.

SECT. 46H added, 1936, 287 § 1 (providing for the reinstatement in the classified civil service of retired municipal officers and employees in certain cases of invalid retirement); amended, 1939, 238 § 49.

SECT. 47A added, 1941, 195 (providing that certain employees in the classified public service shall not be subject to a probationary period).

SECT. 47B added, 1941, 290 (relative to the classification and establishment of seniority of certain civil service employees).

SECTS. 47C and 47D added, 1941, 402 § 1 (establishing a merit system, substantially similar to the civil service system, for certain officers and employees of local boards of public welfare). (See 1941, 402 §§ 4-9.)

SECT. 47C amended, 1941, 588 § 1. (See 1941, 588 § 3.)

SECT. 49A added, 1939, 183 (authorizing cities and towns to place certain offices under the civil service laws by vote of the voters thereof); revised, 1941, 414.

Chapter 32. — Retirement Systems and Pensions.

For temporary legislation protecting the retirement rights of certain persons in the military or naval service of the United States, see 1941, 708.

For legislation relative to the abolition of non-contributory pensions and retirement allowances for employees of counties, cities, towns and districts under special acts, see 1934, 285 § 10; 1937, 102 § 10.

For legislation relative to the pensioning of certain reserve and permanent members of police and fire forces of cities and towns, see 1938, 326.

For legislation relative to the temporary re-employment of former officers and employees of the commonwealth or of any political subdivision thereof during the continuance of the existing state of war between the United States and any foreign country, see 1942, 16.

SECT. 1, new paragraph added, 1934, 360 § 1. (See 1934, 360 § 5; 1937, 271.)

SECT. 2, paragraphs (10) and (11) revised, 1935, 390.

SECT. 3, paragraph (4) revised, 1932, 268.

SECT. 4, sentence added at end of paragraph (2) A (c), 1934, 360 § 2; paragraph (3) amended, 1936, 370 § 1. (See 1934, 360 § 5; 1936, 370 § 2; 1937, 271.)

SECT. 5, paragraph added at end of paragraph (2) C (c), 1934, 360 § 3; paragraph H added at end, 1934, 360 § 4. (See 1934, 360 § 5; 1937, 271.)

Sects. 1-5, as amended, stricken out and sixteen new sections 1-5A inserted; 1938, 439 § 1. (See 1938, 439 §§ 6, 7; 1939, 16 §§ 1, 2.)

The following references to sections 1 to 5A apply to sections inserted by 1938, 439 § 1:

SECT. 1, definition of "Member" revised, 1941, 379 § 1.

SECT. 2, paragraph (5) amended, 1941, 194 § 3; paragraph (14) amended, 1939, 503 § 1; paragraph (15) stricken out and new paragraphs (14A) and (15) inserted, 1939, 503 § 2; paragraph (16) amended, 1939, 433. (See 1939, 503 § 5.)

SECT. 4, paragraph (1) (a) amended, 1941, 670 § 1.

SECT. 4F, paragraph (1) revised, 1941, 379 § 2, 722 § 2; paragraph (2) revised, 1941, 722 § 3; paragraph (4) revised, 1941, 379 § 3.

SECT. 4H, paragraph added at end, 1941, 379 § 4.

SECT. 5A, paragraph (3) (a) amended, 1939, 451 § 3; paragraph (8) revised, 1939, 508 § 12.

SECT. 6, definition of "Teacher" amended, 1937, 232 § 1; same definition revised, 1938, 444 § 1; paragraph defining "Salary" inserted, 1941, 671 § 1. (See 1941, 671 §§ 2, 3.)

SECT. 7, first sentence of paragraph (3) revised, 1937, 232 § 2; same paragraph amended, 1938, 385; paragraph (4) amended, 1932, 127 § 18; paragraph (5) added, 1937, 232 § 3; paragraph (6) added, 1938, 444 § 2. (See 1937, 232 § 4.)

SECT. 9, paragraph (1) amended, 1939, 508 § 13; paragraph (2) revised, 1937, 438 § 1; amended, 1939, 508 § 14; paragraph (5) added at end, 1937, 302; paragraph (6) added, 1938, 444 § 3. (See 1939, 508 § 17.)

SECT. 10, paragraph (2) revised, 1932, 255; paragraph (4) amended, 1937, 438 § 2; paragraph (8) amended, 1936, 386 § 1; paragraph (10)

amended, 1936, 386 § 2, revised, 1937, 438 § 3; paragraphs (11) and (12) stricken out, 1937, 438 § 4; paragraph (17) amended, 1938, 444 § 4; paragraph (19) revised, 1938, 444 § 5; paragraph (20) added, 1938, 444 § 6.

SECT. 11, paragraph (5) revised, 1936, 400 § 2.

SECT. 16, paragraph (2) revised, 1939, 508 § 15.

SECT. 19, second paragraph revised, 1939, 451 § 4.

SECT. 20,* paragraph added, 1934, 258 § 1.

SECT. 23,* paragraph (5) revised, 1934, 258 § 2.

SECT. 24,* paragraph (2) A amended, 1935, 243.

SECT. 25,* paragraph (2) A (b) revised, 1936, 301 § 1; paragraph (2) B (b) revised, 1936, 301 § 2; paragraph (F) added at end, 1936, 301 § 3.

SECTS. 20-25, as amended, and the heading before said section 20, stricken out and new sections 20-25I inserted, under heading "COUNTY AND CERTAIN HOSPITAL DISTRICT RETIREMENT SYSTEMS", 1936, 400 § 1 (providing for contributory retirement systems for counties and certain hospital districts). (See 1936, 400 § 5; 1937, 336 § 3.)

The following references to sections 20-25I apply to sections inserted by 1936, 400 § 1:

SECT. 20, definitions of "Employee" and of "Regular interest" revised, 1937, 336 § 1; definition of "Employee" revised, 1938, 217, 464 § 3; definition of "Member" revised, 1941, 379 § 5.

SECT. 21, paragraph (1) (a), revised, 1939, 158 § 1; 1941, 670 § 2; paragraphs (1) (b), (1) (c) and (1) (d) revised, 1937, 336 § 2; paragraph (1) (e) revised, 1941, 670 § 3; paragraph (f) added at end of subdivision (1), 1939, 158 § 2; stricken out, 1941, 670 § 3A; subdivision (2) revised, 1941, 335; subdivision (3) amended, 1941, 670 § 4. (See 1937, 336 § 3.)

SECT. 22, paragraph (5) amended, 1937, 336 § 4; 1941, 670 § 5.

SECT. 23, paragraph added at end of subdivision (1), 1937, 336 § 5.

SECT. 24, subdivision (1) amended, 1941, 670 § 6.

SECT. 25, paragraph (1) amended, 1941, 670 § 7; first clause of paragraph (2) revised, 1937, 336 § 6.

SECT. 25B, revised, 1941, 379 § 6.

SECT. 25D, revised, 1941, 379 § 7.

SECT. 25F, paragraph (6) amended, 1937, 336 § 7.

SECT. 25G, paragraph (1) (a) amended, 1937, 336 § 8; paragraph (1) (d) amended, 1937, 336 § 9.

SECT. 25H, paragraph (1) revised, 1941, 113 § 2.

SECT. 25I, last paragraph revised, 1937, 336 § 10.

SECTS. 26-31 stricken out and new sections 26-31I inserted, 1936, 318 § 1 (providing for contributory retirement systems for cities and towns that may be accepted by them). (See 1936, 318 §§ 5-7.)

The following references to sections 26 to 31I are to sections inserted by 1936, 318 § 1:

SECT. 26, definitions of "Employee" and of "Regular interest" revised, 1937, 336 § 11; definition of "Employee" revised, 1938, 464 § 4; 1941, 411 § 1; definition of "Member" revised, 1941, 379 § 8. (See 1941, 411 § 3.)

SECT. 27, paragraph (1) (a) revised, 1938, 360 § 1; 1941, 670 § 8; paragraph (1) (b) revised, 1937, 336 § 12; last sentence revised, 1938,

* See later amendments to sections 20 to 25, inclusive.

360 § 2; paragraph (1) (c) revised, 1937, 336 § 12; paragraph (1) (d) revised, 1937, 336 § 12; last sentence revised, 1938, 360 § 3; paragraph (1) (e) revised, 1938, 360 § 4; 1941, 670 § 9; paragraph (1) (f) added, 1938, 360 § 5; paragraph (1) (g) added, 1941, 670 § 10; paragraph (2) revised, 1939, 228; amended, 1941, 670 § 11; paragraph (3) amended, 1941, 670 § 12.

SECT. 28, paragraph (2) revised, 1941, 670 § 12A; paragraph (5) amended, 1937, 336 § 13; 1941, 670 § 13.

SECT. 29, subdivision (1) amended, 1941, 670 § 14; second paragraph of subdivision (1) stricken out and two paragraphs inserted, 1937, 336 § 14; second of said inserted paragraphs amended, 1941, 670 § 15; paragraph added after second of said inserted paragraphs, 1941, 670 § 16; paragraph (2) (b) revised, 1938, 360 § 6; paragraph (2) (c) amended, 1938, 270; paragraph (2) (d) amended, 1937, 336 § 15; second sentence revised, 1938, 360 § 7; paragraph (2) (e) revised, 1938, 360 § 8; paragraph (2) (g) added, 1941, 409 § 1.

SECT. 30, subdivision (1) amended, 1941, 670 § 17.

SECT. 31, subdivision (1) amended, 1941, 670 § 18; first paragraph of subdivision (2) revised, 1937, 336 § 16; paragraph added at end of subdivision (2), 1941, 670 § 19.

SECT. 31B revised, 1941, 379 § 9; sentence added at end, 1941, 670 § 20.

SECT. 31D revised, 1941, 379 § 10.

SECT. 31E, paragraph (4) added at end, 1941, 409 § 2.

SECT. 31F, paragraph (1) (b) amended, 1937, 57 § 1; paragraph 1A added, 1937, 57 § 2; paragraph (1) (c) revised, 1938, 284 § 1, 464 § 5; paragraph (2) revised, 1938, 464 § 6. (See 1937, 57 § 4; 1938, 284 § 2.)

SECT. 31G, paragraph (1) (a) revised, 1941, 411 § 2; paragraph (1) (d) amended, 1937, 336 § 17; paragraph (6) (a) revised, 1938, 360 § 9; paragraph (6) (b) amended, 1938, 360 § 10. (See 1941, 411 § 3.)

SECT. 31H, paragraph (1) revised, 1941, 113 § 1.

SECT. 31I, paragraph (3) amended, 1937, 57 § 3; paragraph (4) added, 1941, 377; paragraph (4) added, 1941, 386; paragraph last referred to stricken out and paragraph (5) substituted, 1941, 722 § 4. (See 1937, 57 § 4.)

SECT. 31J inserted after the heading "GENERAL PROVISIONS" immediately before section 32, 1936, 400 § 3 (relative to the definition of certain words used in said General Provisions).

SECT. 33 amended, 1936, 301 § 4; 318 § 2; repealed, 1936, 400 § 4. (See 1936, 318 §§ 5-7; 400 §§ 2 and 5.)

SECT. 34, second paragraph revised, 1941, 584 § 1.

SECT. 34A added, 1941, 584 § 2 (relative to the expense incurred by the commissioner of insurance in examining the affairs of certain retirement systems).

SECT. 36 amended, 1937, 336 § 18.

SECTS. 37A-37D added, 1936, 318 § 3 (miscellaneous provisions relative to contributory retirement systems under G. L. chap. 32). (See 1936, 318 §§ 5-7.)

SECT. 37C, paragraph added at end, 1938, 360 § 10A; section revised, 1938, 439 § 2. (See 1938, 360 § 10B; 439 § 7.)

SECT. 37D, first paragraph revised, 1937, 336 § 19; first paragraph stricken out, and two paragraphs inserted, 1939, 449 § 1; paragraph added at end, 1938, 464 § 1. (See 1939, 449 § 2.)

SECT. 37E added, 1937, 336 § 20 (providing minimum retirement allowances for certain members of county, city or town contributory retirement systems); paragraph (1) revised, 1941, 184 § 1; paragraph (2) revised, 1938, 360 § 11; paragraph (3) added at end, 1938, 439 § 3; paragraph (4) added at end, 1941, 670 § 21. (See 1938, 439 § 7; 1941, 184 § 2.)

SECT. 37F added, 1938, 464 § 2 (permitting members of certain contributory retirement systems of governmental units to make contributions on account of prior service with other such units having no such systems); revised, 1939, 316; 1941, 670 § 22.

SECT. 37G added, 1941, 670 § 23 (relative to the rights of employees of two or more governmental units having retirement systems).

SECT. 38 amended, 1937, 336 § 21.

SECT. 38A added, 1938, 439 § 4 (relative to the definitions of certain terms or words used in sections thirty-two to thirty-eight, inclusive). (See 1938, 439 § 7.)

SECT. 44 revised, 1934, 135; paragraph added at end, 1934, 285 § 1; section amended, 1936, 223; last paragraph amended, 1937, 102 § 1. (See 1937, 202.)

SECT. 46 revised, 1941, 344 § 1.

SECT. 47 amended, 1941, 344 § 2.

SECT. 48 revised, 1938, 379.

SECT. 52 amended, 1932, 114 § 1.

SECT. 53 amended, 1932, 114 § 2.

SECT. 60, paragraph added at end, 1934, 285 § 2; same paragraph amended, 1937, 102 § 2; 1938, 452 § 1. (See 1938, 452 § 2.)

SECT. 60A, paragraph added at end, 1934, 285 § 3; amended, 1937, 102 § 3.

SECTS. 61-64 repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65, last sentence stricken out, 1937, 336 § 22; section repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65A added, 1937, 409 § 1 (relative to the retirement or resignation of members of the judiciary); amended, 1939, 451 § 5. (See 1937, 409 §§ 5-7.)

SECT. 65B added, 1941, 689 § 1 (providing pensions for special justices of district courts). (See 1941, 689 § 2.)

SECT. 66, paragraph added at end, 1934, 285 § 4; amended, 1937, 102 § 4.

SECTS. 68A-68C added, 1939, 503 § 3 (relative to the retirement of members of the state police). (See 1939, 503 § 5.)

SECT. 70, paragraph added at end, 1934, 285 § 5; amended, 1937, 102 § 5; section revised, 1937, 416 § 4; repealed, 1939, 441 § 4. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 75, paragraph added at end, 1934, 285 § 6; amended, 1937, 102 § 6; section revised, 1938, 323 § 1.

SECT. 76 revised, 1938, 323 § 2.

SECT. 77, paragraph (a) revised, 1936, 290 § 1; 1939, 243; paragraph (c) added at end, 1936, 290 § 2. (Affected, 1937, 102 § 7, 283.)

SECT. 78 revised, 1939, 361 § 1. (Affected, 1937, 102 § 7, 283; 1939, 361 § 2.)

SECT. 78A added, 1934, 285 § 7 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law

for laborers); amended, 1937, 102 § 7; revised, 1937, 283 § 1. (See 1937, 283 § 2.)

SECT. 80, paragraph added at end, 1934, 285 § 8; section amended, 1936, 439 § 1; last paragraph amended, 1937, 102 § 8.

SECT. 81 amended, 1933, 103; 1938, 277 § 1. (See 1938, 277 § 3.)

SECT. 83 amended, 1936, 439 § 2; 1938, 277 § 2; last sentence of first paragraph revised, 1939, 264 § 1. (See 1938, 277 § 3; 1939, 264 § 2.)

SECT. 85 amended, 1936, 439 § 3.

SECT. 85A revised, 1935, 31 § 1. (See 1935, 31 § 2.)

SECT. 85B added, 1932, 253 (regulating the retirement and pensioning of certain members of the police forces of park boards of cities and towns).

SECT. 85C added, 1934, 285 § 9 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for policemen and firemen); amended, 1937, 102 § 9.

SECT. 85D added, 1937, 220 (relative to the retirement of certain call members of fire departments in certain towns).

SECT. 89 revised, 1932, 276; amended, 1933, 340 § 1; 1934, 343; revised, 1935, 466; amended, 1936, 326. (See 1933, 340 § 2.)

SECT. 90 revised, 1936, 439 § 4.

SECT. 91 revised, 1938, 439 § 5; amended, 1941, 670 § 24. (See 1938, 439 § 7; 1941, 670 § 26.)

Chapter 33. — Militia.

Act establishing a special military reservation commission, and authorizing the acquisition by the commonwealth for military purposes of certain properties in Sandwich, Bourne, Falmouth and Mashpee, 1935, 196; powers and duties of the commission defined, 1936, 344 §§ 1, 2; reservation enlarged, 1941, 5. (See 1938, 331.)

The following references are to chapter 33, as appearing in the Tercenary Edition:

SECT. 6 revised, 1933, 254 § 1; 1938, 440 § 1A. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 7 revised, 1938, 440 § 1. (See 1938, 440 § 23.)

SECT. 18 amended, 1932, 15.

SECT. 22, paragraph in third line revised, 1937, 192 § 1.

SECT. 25A added, 1935, 295 § 1 (further regulating the calling out of the militia as an aid to the civil power of the commonwealth).

SECT. 26 amended, 1935, 295 § 2.

SECT. 31 amended, 1935, 295 § 3.

SECT. 32 revised, 1935, 295 § 4.

SECT. 33 revised, 1935, 295 § 5.

SECT. 34 amended, 1935, 295 § 6.

SECT. 48, subsection (a) revised, 1932, 161; same subsection amended, 1933, 166.

SECT. 60 amended, 1933, 153 § 1; 1934, 120; 1939, 144 § 1.

SECT. 67 revised, 1935, 205.

SECT. 82, subsection (e) added, 1938, 433 (making the United States property and disbursing officer for Massachusetts the finance officer of the Massachusetts National Guard, defining his powers and duties and establishing his compensation).

SECT. 90, paragraph in lines 63-65 revised, 1934, 106; last sentence of paragraph (k) revised, 1933, 17; paragraph (k) revised, 1937, 192 § 2.

SECT. 98, sentence added at end, 1933, 6.

Chapter stricken out and new chapter 33 inserted, 1939, 425 § 1. (See 1939, 425 § 2.)

The following references are to the new chapter 33:

SECT. 47 revised, 1941, 318.

SECT. 49 amended, 1941, 217 § 1.

SECT. 65, paragraph (a) amended, 1941, 395.

SECT. 69, subdivision (c) amended, 1941, 577 § 1. (See 1941, 577 § 2.)

SECT. 79 amended, 1941, 490 § 8.

SECT. 153 amended, 1941, 458.

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 4 amended, 1935, 257 § 1; revised, 1939, 31 § 1. (See 1935, 257 § 12.)

SECT. 7 amended, 1935, 257 § 2; last sentence stricken out, 1939, 31 § 2. (See 1935, 257 § 12.)

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 17 revised, 1932, 74; affected, 1939, 452 § 7.

SECT. 19 amended, 1935, 257 § 4. (See 1935, 257 § 12.)

SECT. 23 added, 1932, 297 (authorizing counties to receive certain gifts).

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

For temporary legislation increasing the salaries of certain officers and employees in the service of certain counties, see 1942, 15.

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1938, 50; 1939, 423 §§ 1, 2; 1941, 639 § 1.

For legislation relative to the issuance and renewal of certain temporary loans in anticipation of federal grants for public works projects, see 1938, 82; 1941, 639 §§ 2, 3.

Provisions relative to travel allowance of county employees using certain cars on official business, 1933, 322 § 4; 1939, 452 § 2; 1941, 528 § 3.

Provisions relative to expenses incurred for meals by county employees, 1939, 452 § 3; 1941, 528 § 2.

For legislation relative to the compensation of substitutes for regular county employees, see 1939, 452 § 4.

For legislation relative to compensation for extra or unusual duties of county employees, see 1939, 452 § 5.

For legislation requiring notices inviting bids on certain contracts, see 1939, 452 § 8.

SECT. 3 revised, 1932, 56; sentence added at end, 1939, 109 § 2.

SECT. 21 amended, 1937, 64 § 2.

SECT. 25 amended, 1933, 175 § 1.

SECT. 27 amended, 1933, 175 § 2.

SECT. 28 amended, 1933, 318 § 2; 1934, 291 § 2; revised, 1939, 501 § 1. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 29 revised, 1939, 501 § 2.

SECT. 30 revised, 1939, 501 § 3.

SECT. 34 revised, 1937, 36; amended, 1939, 501 § 4.

SECT. 36A amended, 1939, 501 § 5.

SECT. 37 amended, 1933, 28.

SECT. 37A amended, 1933, 29.

SECT. 40 amended, 1936, 23 § 1.

SECT. 43A revised, 1939, 214 § 1.

SECT. 43B added, 1939, 214 § 2 (relative to the effect of the filing of annual fidelity bonds by county officers and employees).

SECT. 49 amended, 1935, 182 § 1; 1938, 347 § 1; 1939, 165 § 1; 1941, 447 § 1. (See 1935, 182 § 6; 1938, 347 § 3; 1939, 165 § 3; 1941, 447 §§ 4, 5.)

SECT. 51 amended, 1938, 73 § 2.

SECT. 52, second paragraph revised, 1938, 73 § 1.

Chapter 36. — Registers of Deeds.

SECT. 3 revised, 1937, 219 § 1; 1939, 214 § 3.

SECT. 24A added, 1941, 89 (authorizing the recording of certified copies of petitions, decrees and orders filed or made pursuant to the federal bankruptcy laws and thereby giving effect to certain provisions of said laws).

Chapter 37. — Sheriffs.

SECT. 2 revised, 1937, 219 § 2.

SECT. 22 amended, 1932, 180 § 5.

SECT. 23 amended, 1936, 31 § 2; repealed, 1937, 148.

Chapter 38. — Medical Examiners.

SECT. 1, paragraph in lines 70-76 amended, 1939, 260; section amended, 1939, 451 § 6.

SECT. 3 revised, 1939, 214 § 4.

SECT. 6 amended, 1939, 475.

SECT. 7 amended, 1941, 366.

SECT. 8 revised, 1932, 118 § 1; amended, 1939, 30 § 1. (See 1939, 30 § 2.)

SECT. 11 amended, 1941, 499.

Chapter 39. — Municipal Government.

SECT. 10 amended, 1935, 403 § 1; 1939, 182. (See 1935, 403 § 2.)

SECT. 19 repealed, 1934, 39 § 1.

SECT. 20 amended, 1934, 39 § 2.

SECT. 23 amended, 1934, 39 § 3.

Chapter 40. — Powers and Duties of Cities and Towns.

Temporary act relative to the care and disposal of land acquired by cities and towns through foreclosure of tax titles, 1938, 358; amended to include care and disposal of lands of low value acquired by cities and towns through purchase, 1939, 123; further amended and extended, 1941, 296.

SECT. 4, third paragraph revised, 1932, 271 § 6; section amended, 1941, 351 § 3. (See 1932, 271 § 7.)

SECT. 5, clause (1) amended, 1933, 318 § 3 (see 1933, 318 § 9); 1935, 106; revised, 1935, 179; amended, 1939, 19; clause (2) amended, 1936, 390; clause (5A) added, 1938, 172 § 1 (authorizing appropriations to establish a water supply); clause (12) amended, 1932, 114 § 3; 1933, 153 § 2, 245 § 2; revised, 1936, 132 § 1, 163; amended, 1941, 217 § 2; clause (28) revised, 1936, 211 § 5 (see 1936, 211 § 7); clause (38) added, 1934, 154 § 1 (authorizing appropriations for protection of interests in real estate held under tax title or taking); clause (39) added, 1935, 28 (authorizing appropriations for the purpose of co-operating with the federal government in certain unemployment relief and other projects); clause (40) added, 1937, 185 (authorizing appropriations for eyeglasses for needy school children); clause (41) added, 1938, 142 § 1 (authorizing cities and towns to appropriate money for stocking inland waters therein with fish and for liberating game therein); amended, 1941, 599 § 4. (See 1938, 142 § 2.)

SECT. 5A added, 1936, 40 (providing for the establishment of reserve funds for cities); amended, 1937, 34.

SECTS. 5, 6. Temporary acts, effective during 1935 to 1943, inclusive, authorizing appropriations for a general unemployment relief fund, 1935, 90; 1937, 4; 1939, 46 §§ 1, 2.

SECT. 9 amended, 1933, 245 § 3; 1935, 305; 1936, 271; paragraph added at end, 1937, 255.

SECT. 11 amended, 1941, 490 § 9.

SECT. 12A repealed, 1941, 598 § 5.

SECT. 13, paragraph added at end, 1941, 130.

SECT. 14 revised, 1933, 283 § 1.

SECT. 17 amended, 1933, 254 § 2. (See 1933, 254 § 66.)

SECT. 21, clause (16) added at end, 1941, 346 § 1.

SECTS. 25-33. For special zoning provisions for Boston, see 1924, 488 and amendments prior to 1932; 1932, 143; 1933, 204; 1934, 210; 1936, 240; 1941, 373.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 27 revised, 1941, 320.

SECT. 27A added, 1938, 133 § 1 (to prevent multiplicity of proposals for the same change in zoning ordinances or by-laws).

SECT. 28 revised, 1941, 176.

SECT. 30, paragraph in lines 54-60 (as appearing in 1933, 269 § 1) stricken out and two paragraphs added, 1941, 198 § 1; paragraph in lines 61-70 (as so appearing) amended, 1935, 388 § 1; clause (1) in lines 72-76 (as so appearing) revised, 1941, 198 § 2; paragraph in lines 80-90 (as so appearing) amended, 1935, 388 § 2. (See 1941, 198 § 3.)

SECT. 30A stricken out and reinserted as section 30B and new section 30A inserted, 1938, 133 § 2 (to prevent multiplicity of proposals for the same change in the application of zoning ordinances or by-laws).

SECT. 32 revised, 1933, 185 § 1; amended, 1941, 520 § 1. (See 1933, 185 § 2; 1941, 520 § 2.)

SECT. 38 revised, 1938, 172 § 2; paragraph added at end, 1941, 465 § 1.

SECTS. 39A-39G added, 1938, 172 § 3 (authorizing the establishment and maintenance of water supply and distributing systems).

SECT. 39A revised, 1941, 465 § 2.

SECT. 40 revised, 1933, 314.

SECT. 42A revised, 1932, 197 § 2; amended, 1936, 42 § 1; revised, 1938, 415 § 1; amended, 1941, 380 § 1. (See 1932, 197 § 3; 1938, 415 § 7; 1941, 380 § 7.)

SECT. 42B amended, 1935, 56 § 1; revised, 1936, 42 § 2; 1938, 415 § 2; revised, 1941, 380 § 2. (See 1935, 56 § 2; 1938, 415 § 7; 1941, 380 § 7.)

SECT. 42C amended, 1935, 248 § 1; revised, 1938, 415 § 3; 1941, 380 § 3. (See 1938, 415 § 7; 1941, 380 § 7.)

SECT. 42D, last sentence revised, 1935, 248 § 2; section revised, 1938, 415 § 4; 1941, 380 § 4. (See 1938, 415 § 7; 1941, 380 § 7.)

SECT. 42E, last sentence amended, 1932, 180 § 6; same sentence revised, 1939, 451 § 7; section amended, 1941, 380 § 5. Affected, 1938, 415 § 7. (See 1941, 380 § 7.)

SECT. 42F affected, 1938, 415 § 7; 1941, 380 § 7.

SECT. 43A (relative to pipe lines for conveying petroleum and its products and by-products) added under the heading "PETROLEUM AND ITS PRODUCTS AND BY-PRODUCTS", 1941, 678 § 2.

SECT. 51 revised, 1937, 196.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

Provisions of G. L. chapter 41 authorizing or requiring the fixing of terms of office of members of any board, commission or body affected by 1938, 341 § 2.

SECT. 1, paragraph in line 10 revised, 1934, 155 § 1; paragraph in lines 15-16 revised, 1939, 129; paragraph in line 25 revised, 1939, 3; paragraph added at end, 1938, 341 § 2.

SECT. 5 amended, 1934, 39 § 4.

SECT. 11 amended, 1938, 341 § 3.

SECT. 13 amended, 1936, 18; 1937, 143 § 1.

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks). [For prior legislation, see G. L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 19, last sentence revised, 1938, 66.

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such officer). (See 1933, 70 § 2.)

SECT. 21, last paragraph revised, 1934, 155 § 2. (See 1934, 155 § 4.)

SECT. 24A repealed, 1937, 129 § 1.

SECT. 25 revised, 1937, 129 § 2.

SECT. 25A revised, 1937, 129 § 3.

SECT. 26 revised, 1937, 129 § 4.

SECT. 26A added, 1935, 149 (relative to employment of counsel by boards of assessors in certain cases).

SECT. 27 revised, 1936, 118 § 1. (See 1936, 118 § 3.)

SECT. 28 amended, 1939, 342 § 2.

SECT. 35 revised, 1937, 143 § 2; sentence added at end, 1939, 109 § 1.

SECT. 37 revised, 1933, 82 § 2; amended, 1934, 259 § 2.

SECT. 38A amended, 1936, 201; revised, 1941, 211.

SECT. 39A added, 1939, 89 (providing for the appointment of assistant treasurers of cities and towns).

SECT. 40 revised, 1937, 143 § 3.

SECT. 43A added, 1939, 88 (requiring municipalities to indemnify and protect collectors of taxes in the performance of their duties in certain cases); revised, 1941, 99.

SECT. 54A amended, 1936, 62.

SECT. 59 amended, 1936, 94.

SECT. 61A revised, 1937, 143 § 4.

SECT. 66 revised, 1934, 155 § 3.

SECTS. 69A and 69B added, 1938, 172 § 4 (relative to the establishment and powers and duties of boards of water commissioners in certain towns).

SECT. 70, paragraph added at end, 1936, 211 § 1. (See 1936, 211 § 7.)

SECT. 72 revised, 1936, 211 § 2. (See 1936, 211 § 7.)

SECT. 73, paragraph added at end, 1936, 211 § 3. (See 1936, 211 § 7.)

SECTS. 81A-81J added, under caption "IMPROVED METHOD OF MUNICIPAL PLANNING", 1936, 211 § 4. (See 1936, 211 § 7.)

SECT. 81A, last paragraph revised, 1938, 113.

SECT. 86 amended, 1939, 261 § 5.

SECT. 91B added, 1933, 128 (further regulating the appointment of constables).

SECT. 96A added, 1938, 342 (disqualifying felons from appointment to the police forces or departments of cities, towns and districts).

SECT. 99 amended, 1932, 124.

SECT. 100, sentence added at end, 1933, 324 § 3; section amended, 1938, 298.

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3. (See 1933, 318 §§ 8, 9; 1934, 291 § 6.)

SECT. 105 amended, 1936, 132 § 2.

SECT. 111 revised, 1932, 109; amended, 1936, 242; revised, 1937, 15; 1941, 368.

SECT. 111A amended, 1934, 107.

Chapter 42. — Boundaries of Cities and Towns.

Boundary line between Saugus and Wakefield (portion) established, 1933, 298; between Woburn and Reading (portion) established, 1934, 177; between Oak Bluffs and Tisbury (portion) established, 1935, 145; between Brewster and Orleans (portion) established, 1935, 356; between Middleton and Topsfield established, 1936, 96; between Foxborough and Walpole established, 1937, 140; between Edgartown and Oak Bluffs (portion) established, 1937, 265; between Arlington and Belmont (portion) established, 1938, 371; between Rochester and Wareham and between Marion and Wareham (portion) established, 1939, 279; between Fitchburg and Leominster (portion) established, 1941, 37, 698; between Bellingham and Franklin, 1941, 641.

SECT. 1 revised, 1933, 278 § 3.

Chapter 43. — City Charters.

SECT. 1, three paragraphs inserted after word "inclusive" in line 22, 1938, 378 § 1.

SECT. 5, paragraph added at end, 1938, 378 § 2.

SECT. 7 amended, 1939, 451 § 8.

SECT. 8, form of petition revised, 1938, 378 § 3.

SECT. 9 revised, 1941, 640 § 1. (See 1941, 640 § 7.)

SECT. 10, paragraph added at end, 1938, 378 § 4.

SECT. 11 revised, 1941, 640 § 2. (See 1941, 640 § 7.)

SECT. 15 amended, 1933, 313 § 7; last paragraph amended, 1938, 378 § 5; section revised, 1941, 640 § 3. (See 1941, 640 § 7.)

SECT. 17 revised, 1938, 378 § 6.

SECT. 18, paragraph numbered 4 inserted, 1938, 378 § 7.

SECT. 19 revised, 1938, 378 § 8.

SECT. 23 amended, 1935, 68 § 1.

SECT. 26, first paragraph revised, 1937, 224 § 1; amended, 1938, 378 § 9.

SECT. 29 revised, 1938, 378 § 10.

SECT. 30 revised, 1938, 378 § 11.

SECT. 31 amended, 1938, 378 § 12.

SECT. 36 revised, 1938, 378 § 13.

SECT. 42 amended, 1935, 68 § 2.

SECT. 44A amended, 1933, 313 § 8; last two sentences stricken out, and paragraph added at end, 1934, 30; first paragraph revised, 1938, 378 § 14; last sentence of first paragraph stricken out, 1941, 640 § 4. (See 1941, 640 § 7.)

SECT. 44C, first paragraph amended, 1937, 147.

SECT. 44H amended, 1932, 180 § 7; 1941, 640 § 5. (See 1941, 640 § 7.)

SECT. 46 amended, 1939, 451 § 9.

SECT. 50A added, 1936, 135 (relative to the filling of vacancies in the city council in cities having a Plan A form of charter).

SECT. 56 amended, 1937, 224 § 2.

SECT. 59A added, 1937, 224 § 3 (relative to the filling of vacancies in the city council in cities having a Plan B form of charter).

SECTS. 93–116 added, under the heading "PLAN E. — GOVERNMENT BY A CITY COUNCIL INCLUDING A MAYOR ELECTED FROM ITS NUMBER, AND A CITY MANAGER, WITH ALL ELECTIVE BODIES ELECTED AT LARGE BY PROPORTIONAL REPRESENTATION", 1938, 378 § 15 (providing an additional optional standard form of city charter under which substantial control of the city government is vested in a city council elected at large by proportional representation, with a city manager appointed and removable at pleasure by the city council).

SECT. 100 amended, 1941, 722 § 5.

SECT. 102 amended, 1941, 722 § 6.

SECT. 110, form of petition amended, 1941, 722 § 7.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

Act relative to Wellesley, 1932, 202; to Needham, 1932, 279; to Webster, 1933, 13; to South Hadley, 1933, 45; to Easthampton, 1933,

178; to Milford, 1933, 271; to Adams, 1935, 235; to Falmouth, 1935, 349; to Amherst, 1936, 10; to Amesbury, 1936, 39; to Braintree, 1936, 56; 1937, 17; to Natick, 1938, 2; to Palmer, 1939, 110.

SECT. 3, first paragraph amended, 1937, 267 § 2.

SECT. 4, first paragraph amended, 1936, 128.

Chapter 44. — Municipal Finance.

For temporary legislation establishing an emergency finance board in the department of the state treasurer, and providing for the borrowing of money by cities and towns against certain tax titles, see 1933, 49, 104; 1935, 221, 300, 456; 1936, 281; 1938, 57; 1939, 288, 496; 1941, 129.

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1937, 159; 1938, 50; 1939, 423 §§ 1, 2; 1941, 639 § 1.

For emergency legislation authorizing cities and towns to make certain appropriations in time of war or national emergency, see 1941, 487.

For legislation authorizing the renewal by cities and towns of certain temporary revenue loans, see 1935, 12; 1938, 25; 1939, 68; 1941, 134.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4; 1939, 516 §§ 2, 3, 4, 6, 7, 8; 1941, 731 §§ 2, 3, 4, 6, 7, 8.

For temporary act authorizing cities and towns to borrow on account of public welfare and soldiers' benefits from the commonwealth and elsewhere, and authorizing the commonwealth to issue bonds or notes to provide funds therefor, see 1933, 307 (as changed by 1933, 344 §§ 3, 4; 1934, 335; and as affected by 1933, 367 § 1).

For legislation authorizing cities, towns and districts to borrow, in 1935, 1936, 1937, 1938, 1939 and 1940, on account of public welfare and soldiers' benefits and their share of the cost of certain federal emergency unemployment relief projects, see 1935, 188; 1936, 80; 1937, 107; 1938, 58; 1939, 72, 453. (See 1935, 456; 1936, 257.)

For legislation authorizing cities, towns and districts to borrow, in 1941 and 1942, on account of public welfare, soldiers' benefits, federal emergency unemployment relief projects and the installation of the Federal Surplus Commodities Stamp Plan, so called, see 1941, 92.

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935, 213, 404 § 8; renewal of such borrowings, 1936, 64; further provision for the issuance and renewal of such borrowings, 1938, 82; 1941, 639 §§ 2, 3.

For temporary legislation authorizing any city or town to expend money in co-operation with the federal government prior to the passage of its annual budget, see 1938, 180; 1941, 58.

For legislation regulating the use of receipts from the sale by cities and towns of federal surplus commodity stamps, 1941, 65.

SECT. 2 revised, 1936, 224 § 4. (See 1936, 224 §§ 11, 12.)

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3; amended, 1936, 16.

SECT. 4A added, 1935, 68 § 3 (temporary loans by cities in anticipation of revenue exempted from charter provisions relative to publication and referendum).

SECT. 5 amended, 1939, 37.

SECT. 5A amended, 1935, 68 § 4.

SECT. 7 amended, 1936, 224 § 5. (See 1936, 224 §§ 11, 12.)

SECT. 8, clause (3) revised, 1938, 172 § 5; clause (5) revised, 1941, 83; clause (9) amended, 1939, 457.

SECT. 8A added, 1939, 108 § 1 (providing for submitting to the voters of certain cities the question of approving or disapproving orders authorizing the issue of bonds, notes or certificates of indebtedness for certain purposes). (See 1939, 108, § 2.)

SECT. 9 amended, 1941, 376.

SECT. 10 amended, 1936, 224 § 6; 1939, 24 § 1. (See 1936, 224 §§ 11, 12.)

SECT. 11 amended, 1936, 224 § 7. (See 1936, 224 §§ 11, 12.)

SECT. 12 amended, 1936, 224 § 8. (See 1936, 224 §§ 11, 12.)

SECT. 16, last sentence stricken out, 1936, 224 § 10. (See 1936, 224 §§ 11, 12.)

SECT. 22 amended, 1936, 224 § 9. (See 1936, 224 §§ 11, 12.)

SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224.

SECT. 31A added, 1941, 473 § 1 (relative to budgets in certain cities).

SECT. 32, paragraphs added at end, 1938, 175 § 1, 378 § 16; section revised, 1941, 473 § 2.

SECT. 33 revised, 1941, 473 § 3.

SECT. 34 revised, 1938, 170; paragraph added at end, 1941, 93.

SECT. 35 amended, 1941, 454.

SECT. 40 amended, 1939, 339.

SECT. 46A added, 1932, 155 (making permanent certain provisions of law relative to investigations of municipal accounts and financial transactions by the director of accounts). [For prior temporary legislation, see 1926, 210; 1929, 335.]

SECT. 51 amended, 1934, 355; repealed, 1938, 458.

SECT. 54 amended, 1933, 200.

SECT. 56A added, 1934, 229 § 1 (relative to the financial year of cities). (See 1934, 229 §§ 2, 3.)

SECT. 64 added, 1941, 179 (authorizing towns to appropriate money for the payment of certain unpaid bills of previous years).

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

SECT. 2 amended, 1941, 10 § 1.

SECT. 17A added, 1938, 220 (authorizing cities and towns to use certain ways therein for playground purposes).

Chapter 46. — Return and Registry of Births, Marriages and Deaths.

SECT. 1, third sentence of second paragraph revised, 1933, 280 § 1; fourth paragraph amended, 1941, 51.

SECT. 1A added, 1939, 61 § 1 (further regulating the making and recording of certificates of birth of certain abandoned children and foundlings).

SECT. 2A added, 1933, 279 (regulating the impounding of birth records of children born out of wedlock); amended, 1937, 78 § 1; revised, 1939, 269 § 1.

SECT. 3, paragraph added at end, 1939, 326 § 1.

SECT. 4A added, 1941, 434 (providing for the verification of returns of births).

SECT. 6 revised, 1939, 61 § 2.

SECT. 9 amended, 1936, 100.

SECT. 12 amended, 1937, 78 § 2.

SECT. 13, paragraph in first to sixth lines amended, 1939, 61 § 3; second paragraph amended, 1933, 280 § 2; second paragraph stricken out and two new paragraphs inserted, 1938, 63; paragraph in eighteenth and nineteenth lines, as appearing in Tercentenary Edition, amended, 1938, 97; fourth paragraph, as so appearing, amended, 1941, 50; paragraph added at end, 1939, 61 § 4.

SECT. 16 amended, 1941, 351 § 4.

SECT. 17 revised, 1932, 12; amended, 1939, 269 § 2.

SECT. 20 revised, 1941, 351 § 5.

SECT. 26 amended, 1939, 326 § 2.

Chapter 48. — Fires, Fire Departments and Fire Districts.

For emergency legislation incident to the National Industrial Recovery Act, the Emergency Relief Appropriation Act of 1935 and certain other federal acts, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1938, 50; 1939, 423 §§ 1, 2; 1941, 639 § 1.

For legislation authorizing cities, towns and districts to borrow, during 1935, 1936, 1937, 1938, 1939 and 1940, on account of public welfare and soldiers' benefits and their share of the cost of certain federal emergency unemployment relief projects, see 1935, 188; 1936, 80; 1937, 107; 1938, 58; 1939, 72, 453. (See 1935, 456; 1936, 257.)

For legislation authorizing cities, towns and districts to borrow in 1941 and 1942, on account of public welfare, soldiers' benefits, federal emergency, unemployment relief projects and the installation of the Federal Surplus Commodities Stamp Plan, so called, see 1941, 92.

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935, 213, 404 § 8; renewal of such borrowings, 1936, 64; further provision for the issuance and renewal of such loans, 1938, 82; 1941, 639 §§ 2, 3.

SECT. 8 amended, 1941, 490 § 10.

SECT. 13 amended, 1938, 204; revised, 1941, 581.

SECT. 15 amended, 1932, 180 § 8; 1941, 490 § 11.

SECT. 28A amended, 1941, 490 § 12.

SECT. 28B. See 1941, 688.

SECT. 58A added, 1941, 638 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns).

SECT. 59E added, 1939, 419 § 1 (providing for the ultimate abolition of reserve fire forces in certain cities and towns).

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

SECT. 1, paragraph defining "Ballot labels" inserted, 1941, 511 § 1; paragraph in lines 54 and 55 revised, 1941, 511 § 2.

SECT. 2 amended, 1932, 141 § 1; sentence added at end, 1938, 341 § 4.

Chapter 51. — Voters.

For legislation providing for a state wide verification of voting lists, see 1938, 427; repealed and superseded by 1939, 450.

SECT. 1, paragraph added at end, 1932, 206.

SECT. 2 amended, 1933, 254 § 3. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 4. (See 1933, 254 § 66.)

SECT. 4 amended, 1933, 254 § 5; first paragraph revised, 1935, 345 § 1; amended, 1937, 1 § 1; revised, 1938, 186 § 1; section revised, 1938, 440 § 2. (See 1933, 254 §§ 65, 66; 1937, 226; 1938, 186 § 5, 440 § 23.)

SECT. 5 revised, 1938, 440 § 3; 1939, 188 § 1. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 4; 1939, 188 § 2. (See 1938, 440 § 23.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2; amended, 1938, 440 § 5; revised, 1939, 188 § 3. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 8 amended, 1933, 254 § 7; 1937, 1 § 2; revised, 1938, 186 § 2, 440 § 6. (See 1933, 254 § 66; 1938, 186 § 5, 440 § 23.)

SECT. 9 amended, 1933, 254 § 8; revised, 1938, 440 § 7. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 10 amended, 1938, 440 § 8. (See 1938, 440 § 23.)

SECTS. 10A and 10B added, 1939, 369 § 1 (providing for the securing of information relative to persons residing at inns, lodging houses and public lodging houses).

SECT. 11 revised, 1938, 440 § 9. (See 1938, 440 § 23.)

SECT. 12 revised, 1938, 440 § 10. (See 1938, 440 § 23.)

SECT. 14A revised, 1938, 440 § 11. (See 1938, 440 § 23.)

SECT. 14B added, 1933, 254 § 9 (amending special acts relative to the listing of voters in certain municipalities so as to conform to the change in taxing date from April 1 to January 1); revised, 1938, 440 § 12. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 22 amended, 1938, 280.

SECT. 26 amended, 1932, 48 § 1; 1935, 37 § 1; 1938, 473 § 2.

SECT. 27 revised, 1932, 48 § 2; amended, 1935, 37 § 2; 1938, 473 § 3.

SECT. 29B added, 1938, 179 (providing for sessions of registrars of voters in all the wards of every city prior to each biennial state election).

SECT. 32 amended, 1933, 254 § 10. (See 1933, 254 § 66.)

SECT. 34 amended, 1933, 254 § 11. (See 1933, 254 § 66.)

SECT. 35 revised, 1938, 440 § 13; amended, 1939, 451 § 10. (See 1938, 440 § 23.)

SECT. 36 amended, 1933, 254 § 12. (See 1933, 254 § 66.)

SECT. 37 amended, 1933, 254 § 13; revised, 1938, 440 § 14; fourth sentence amended, 1939, 369 § 2; last sentence stricken out, 1941, 328 § 2. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 39 amended, 1938, 440 § 15. (See 1938, 440 § 23.)

SECT. 41A added, 1941, 328 § 1 (ensuring that certain laws relative to registration of persons residing at inns and lodging houses are of general application).

SECT. 43 amended, 1933, 254 § 14; revised, 1938, 440 § 16. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 50 amended, 1938, 440 § 17. (See 1938, 440 § 23.)

SECT. 55 amended, 1933, 254 § 15; sentence added at end, 1936, 2 § 1; same sentence revised, 1938, 473 § 4. (See 1933, 254 § 66.)

SECT. 61 amended, 1937, 21 § 1.

Chapter 52. — Political Committees.

The following references are to chapter 52, as appearing in the Tercenary Edition:

SECT. 1 amended, 1932, 310 § 1; revised, 1934, 288 § 1; 1936, 99. (See 1934, 288 § 5; 1937, 384, 435.)

SECT. 2 amended, 1932, 310 § 2; revised, 1934, 288 § 2; amended, 1936, 11 § 2. (See 1934, 288 § 5; 1936, 11 § 3; 1937, 384, 435.)

SECT. 4 amended, 1934, 288 § 3. (See 1934, 288 § 5.)

SECT. 7 amended, 1934, 118; first paragraph stricken out, 1934, 288 § 4. (See 1934, 288 § 5; 1937, 384, 435.)

SECT. 9 amended, 1932, 310 § 3; 1937, 24 § 1. (See 1937, 384, 435.)

Chapter stricken out and new chapter inserted, 1938, 346 § 1. (See 1938, 346 §§ 3, 4.)

The following reference is to the new chapter 52:

SECT. 9 revised, 1941, 337 § 1.

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 1 amended, 1939, 371.

SECT. 2 amended, 1932, 310 § 4; last sentence revised, 1934, 32 § 1; section revised, 1938, 473 § 5; 1941, 337 § 2. (See 1937, 384, 435.)

SECT. 3 revised, 1936, 116 § 1; amended, 1937, 45 § 1.

SECT. 6 amended, 1936, 101; revised, 1939, 191; 1941, 266.

SECT. 7 amended, 1933, 254 § 16; sentence inserted, 1936, 2 § 2; section revised, 1936, 4 § 1; amended, 1937, 25 § 1; 1938, 341 § 5. (See 1933, 254 § 66.)

SECT. 8, first paragraph amended, 1932, 135 § 4; section amended, 1933, 35 § 1; first sentence amended, 1938, 473 § 6.

SECT. 10, first paragraph amended, 1934, 111; revised, 1937, 45 § 2; amended, 1938, 373 § 4; second paragraph revised, 1933, 313 § 2; 1941, 278; amended, 1941, 472 § 4; third paragraph revised, 1937, 77 § 2.

SECT. 11, sentence added at end, 1933, 313 § 3; revised, 1937, 77 § 3; section revised, 1937, 212 § 1.

SECT. 12 revised, 1937, 212 § 2; paragraph added at end, 1939, 166.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations).

SECT. 13, sentence added at end, 1933, 313 § 4; section amended, 1937, 26, 77 § 4.

SECT. 17A added, under the heading "ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS", 1938, 397.

SECT. 18 revised, 1934, 282.

SECT. 22A amended, 1932, 80; 1938, 192.

SECT. 22B added, 1938, 191 (requiring persons circulating initiative and referendum petitions to attest the validity of signatures thereto under the penalties of perjury).

SECT. 24. See 1937, 275.

SECT. 28 amended, 1932, 310 § 5; revised, 1933, 313 § 5; amended, 1934, 32 § 2; revised, 1938, 473 § 7. (See 1937, 384, 435.)

SECT. 32 amended, 1932, 310 § 6; 1938, 473 § 8. (See 1937, 384, 435.)

SECT. 33, sentence added at end, 1941, 511 § 3.

SECT. 34 revised, 1932, 310 § 7; first paragraph revised, 1938, 436 § 1; fourth paragraph revised, 1937, 22; section revised, 1938, 473 § 9; second and third paragraphs revised, 1941, 337 § 3; fifth paragraph revised, 1941, 352. (See 1937, 384, 435.)

SECT. 35 amended, 1932, 310 § 8; 1938, 473 § 10; amended, 1941, 337 § 4. (See 1937, 384, 435.)

SECT. 36 amended, 1941, 511 § 4.

SECT. 38 amended, 1938, 299.

SECT. 40 revised, 1932, 30.

SECT. 41 revised, 1932, 310 § 9; section and title preceding it stricken out and new section inserted under the heading "PROVISIONS APPLYING TO STATE PRIMARIES", 1938, 473 § 11; section revised, 1941, 337 § 5. (See 1937, 384, 435.)

SECT. 42 amended, 1932, 310 § 10; 1937, 24 § 2; revised, 1938, 373 § 1. (See 1937, 384, 435.)

SECT. 43 amended, 1932, 310 § 11; 1937, 201. (See 1937, 384, 435.)

SECT. 44 revised, 1932, 310 § 12; amended, 1935, 38; revised, 1938, 373 § 2, 473 § 12; amended, 1941, 337 § 6. (See 1937, 384, 435.)

SECT. 45 amended, 1932, 310 § 13; first paragraph amended, 1936, 22; 1938, 84; section revised, 1938, 473 § 13; amended, 1941, 337 § 7. (See 1937, 384, 435.)

SECT. 46 amended, 1936, 4 § 2; revised, 1937, 25 § 2; amended, 1941, 337 § 8.

SECT. 47 amended, 1932, 310 § 14; 1938, 473 § 14. (See 1937, 384, 435.)

SECT. 48 amended, 1932, 310 § 15; first paragraph revised, 1938, 373 § 3; paragraph added at end, 1938, 272; same paragraph amended, 1941, 563; paragraph added at end, 1941, 675. (See 1937, 384, 435.)

SECT. 49 revised, 1932, 310 § 16; 1938, 473 § 15. (See 1937, 384, 435.)

SECT. 51 amended, 1932, 310 § 17; 1938, 473 § 16. (See 1937, 384, 435.)

SECT. 52 amended, 1932, 310 § 18; revised, 1938, 473 § 17; amended, 1941, 337 § 9. (See 1937, 384, 435.)

SECT. 53 revised, 1932, 310 § 19; 1938, 473 § 18; amended, 1941, 337 § 10. (See 1937, 384, 435.)

SECT. 53A amended, 1932, 310 § 20; revised, 1938, 473 § 19. (See 1937, 384, 435.)

SECT. 54 revised, 1932, 310 § 21; two sentences added, 1935, 482 § 1; section amended, 1936, 11 § 1; 1937, 24 § 3; section (and heading) revised, 1938, 346 § 2; section amended, 1941, 337 § 11. (See 1936, 11 §§ 2, 3; 1937, 384, 435; 1938, 346 §§ 3, 4.)

SECTS. 54A and 54B added, 1932, 310 § 22 (relative to proceedings at pre-primary conventions, to the form of certificates of nomination of candidates thereat, and to the acceptance of such nominations); repealed, 1938, 473 § 20. (See 1937, 384, 435.)

SECT. 55, paragraph added at end, 1936, 116 § 2.

SECT. 57 amended, 1937, 410.

SECT. 61 amended, 1936, 140; 1937, 411; 1941, 272.

SECTS. 65-70 (and caption) repealed, 1932, 310 § 23. (See 1937, 384, 435; 1938, 473 § 21.)

SECTS. 70A-70H added, under heading "PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES," 1938, 473 § 21.

SECT. 70B amended, 1941, 337 § 12.

SECT. 70F amended, 1939, 451 § 11.

SECT. 71. See 1937, 275.

SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting); revised, 1937, 77 § 5.

SECT. 112 amended, 1935, 59 § 2.

SECT. 117 amended, 1932, 141 § 2.

SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office); revised, 1936, 204.

Chapter 54. — Elections.

SECT. 4 revised, 1935, 482 § 2; amended, 1936, 185; revised, 1937, 412.

SECT. 9A added, 1937, 267 § 1 (relative to the use of precincts in certain towns in the formation of representative districts).

SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1; 1937, 27; 1938, 341 § 6; revised, 1941, 432 § 1.

SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).

SECT. 11B added, 1941, 432 § 2 (relative to the appointment of election officers in certain cities).

SECT. 12 amended, 1934, 158 § 2.

SECT. 13 amended, 1934, 158 § 3.

SECT. 19 amended, 1934, 158 § 4.

SECT. 21 amended, 1934, 158 § 5.

SECT. 26 amended, 1938, 281 § 1.

SECT. 33, last sentence stricken out, and paragraph inserted at end, 1935, 238 § 1.

SECT. 34 revised, 1936, 205 § 1; second paragraph stricken out, 1938, 281 § 2.

SECTS. 35A and 35B added, 1938, 281 § 3 (relative to voting by challenged voters at polling places where voting machines are used and to the counting of votes where such machines are used).

SECT. 35A, sentence added at end, 1941, 511 § 5.

SECT. 35B, second sentence of second paragraph revised, 1941, 511 § 6; third paragraph amended, 1941, 511 § 7.

SECT. 38 revised, 1936, 205 § 2.

SECT. 41, third paragraph amended, 1933, 35 § 2; 1938, 190; second sentence of same paragraph revised, 1938, 436 § 2.

SECT. 42 amended, 1932, 135 § 5; first paragraph amended, 1935, 238 § 2; same paragraph revised, 1941, 292.

SECT. 43 revised, 1932, 135 § 1.

SECT. 60, last sentence amended, 1938, 281 § 6.

SECT. 62 amended, 1935, 257 § 5. (See 1935, 257 § 12.)

SECT. 64, last paragraph amended, 1934, 39 § 5.

SECT. 65 revised, 1933, 289 § 1.

SECT. 71. See 1937, 275.

SECT. 78 revised, 1932, 135 § 2.

SECT. 85A added, 1937, 275 § 1 (relative to the challenging of voters at polling places at certain elections, primaries and caucuses). (See 1937, 275 § 2.)

SECT. 87, subsection (b) revised, 1936, 404 § 1; subsection (c) revised, 1936, 404 § 2; amended, 1937, 162 § 2; 1941, 279 § 2; subsection (d) revised, 1941, 333.

SECT. 89 revised, 1936, 404 § 3.

SECT. 92 revised, 1936, 404 § 4; amended, 1937, 162 § 1; 1941, 279 § 1.

SECT. 93 revised, 1936, 404 § 5; amended, 1941, 722 § 8.

SECT. 95 revised, 1936, 404 § 6.

SECT. 96 amended, 1936, 404 § 7.

SECT. 100 revised, 1936, 404 § 8.

SECT. 103A added, 1933, 313 § 1 (providing for absent voting at regular city elections); affected, 1936, 404 § 9; revised, 1937, 77 § 1; first paragraph amended, 1939, 152.

SECT. 104 amended, 1934, 39 § 6.

SECT. 105, fourth paragraph amended, 1938, 341 § 7.

SECT. 112 amended, 1935, 257 § 6; 1939, 31 § 3. (See 1935, 257 § 12.)

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECT. 132 amended, 1932, 33.

SECT. 133 amended, 1937, 21 § 2.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1; 1938, 250 § 1; 1941, 236; third paragraph revised, 1937, 303; same paragraph amended, 1941, 350; last paragraph revised, 1938, 250 § 2; paragraph inserted after first paragraph, 1938, 281 § 4. (See 1933, 254 § 66.)

SECT. 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting machines are used).

SECT. 137 amended, 1935, 55.

SECT. 138, last paragraph amended, 1937, 23 § 1.

SECT. 141 amended, 1939, 508 § 16.

SECT. 144 revised, 1935, 257 § 8; first paragraph amended, 1939, 31 § 4. (See 1935, 257 § 12.)

SECT. 146 amended, 1935, 257 § 9. (See 1935, 257 § 12.)

SECT. 148 amended, 1937, 23 § 2.

SECT. 151 amended, 1932, 135 § 3.

SECT. 158 amended, 1935, 257 § 10; first paragraph revised, 1939, 31 § 5. (See 1935, 257 § 12.)

SECT. 161 (except last paragraph) amended, 1934, 265. (See 1939, 467.)

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

New chapter inserted, 1937, 345.

Chapter inserted by 1937, 345 stricken out and new chapter inserted, 1938, 341 § 1.

SECT. 1 amended, 1941, 345.

SECT. 2, paragraph added at end, 1938, 378 § 17; section revised, 1941, 640 § 6. (See 1941, 640 § 7.)

Chapter 55. — Corrupt Practices and Election Inquests.

SECT. 7 amended, 1938, 75.

SECT. 8 revised, 1939, 223.

SECT. 16, sentence added at end, 1941, 280 § 1.

SECT. 17 amended, 1941, 280 § 2.

Chapter 56. — Violations of Election Laws.

SECT. 1 repealed, 1939, 342 § 3.

SECT. 2 revised, 1938, 440 § 18. (See 1938, 440 § 23.)

SECT. 4 amended, 1939, 451 § 12.

SECT. 5 revised, 1938, 440 § 19. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 20. (See 1938, 440 § 23.)

SECT. 7 amended, 1938, 440 § 21. (See 1938, 440 § 23.)

SECT. 8 revised, 1938, 440 § 22. (See 1938, 440 § 23.)

SECT. 22 revised, 1938, 341 § 8.

SECT. 28 amended, 1938, 341 § 9.

SECT. 33 amended, 1939, 299 § 1.

SECT. 35 amended, 1939, 299 § 2.

SECT. 39 revised, 1933, 289 § 2.

SECT. 40 amended, 1938, 341 § 10.

SECT. 44 amended, 1938, 341 § 11.

SECT. 45 amended, 1938, 341 § 12.

SECT. 48 amended, 1939, 451 § 13.

SECT. 68 amended, 1939, 299 § 3.

Chapter 57. — Congressional, Councillor and Senatorial Districts, and Apportionment of Representatives.

SECT. 1 revised, 1941, 556.

SECT. 2 revised, 1939, 507 § 1.

SECT. 3 revised, 1939, 507 § 2.

SECT. 4 revised, 1939, 467 § 1. (See 1939, 467 §§ 2, 3, 4.)

SECT. 5. See 1939, 467.

Chapter 58. — General Provisions relative to Taxation.

For legislation providing for temporary cigarette taxes, see 1939, 454 §§ 1-18; 1941, 417. (See 1941, 715.)

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4; 1939, 516 §§ 2, 3, 4, 6, 7, 8; 1941, 731 §§ 2, 3, 4, 6, 7, 8.

SECT. 1, fifth sentence amended, 1932, 180 § 9; same sentence revised, 1937, 108 § 2.

SECT. 2 amended, 1933, 254 § 18; paragraph added at end, 1941, 726 § 2. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 19. (See 1933, 254 § 66.)

SECT. 8 revised, 1935, 322 § 1.

SECT. 9 revised, 1939, 346; 1941, 112.

SECT. 10 amended, 1934, 323 § 9. (See 1934, 323 § 11.)

SECT. 11 amended, 1939, 451 § 14; repealed, 1941, 609 § 1.

SECT. 12 amended, 1941, 490 § 13; repealed, 1941, 609 § 1.

SECT. 13 amended, 1933, 254 § 20. (See 1933, 254 § 66.)

SECT. 14 amended, 1939, 451 § 15.

SECT. 15 amended, 1933, 254 § 21; revised, 1941, 490 § 14. (See 1933, 254 § 66.)

SECT. 17A amended, 1939, 451 § 26.

SECT. 18 revised, 1933, 350 § 7; amended, 1936, 405 § 1; 1939, 451 § 16; affected, 1933, 357 § 4; 1935, 438 § 2. (See 1933, 307 § 11, 350 § 9; 1936, 362 § 4.)

SECT. 20 revised, 1936, 362 § 3; amended, 1937, 108 § 1; 1941, 656 § 1. (See 1936, 362 §§ 4, 8; 1937, 108 § 3.)

SECT. 20A added, 1936, 376 § 3 (relative to the set-off of money due to the commonwealth from a city or town against sums due to the city or town from the commonwealth).

SECT. 21 amended, 1933, 254 § 22; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECTS. 22 and 23 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 24 amended, 1933, 254 § 23. (See 1933, 254 § 66.)

SECT. 24A revised, 1934, 323 § 2. (See 1934, 323 § 11.)

SECT. 25 revised, 1934, 323 § 3; amended, 1939, 451 § 17; first sentence revised, 1941, 729 § 11. (See 1934, 323 § 11; 1941, 729 § 15.)

SECT. 25A revised, 1934, 323 § 4. (See 1934, 323 § 11.)

SECT. 26 amended, 1933, 254 § 24; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 31 added, under heading "FORMS", 1937, 135 § 1 (relative to forms of application for abatement of taxes and certain other forms and the approval thereof by the commissioner of corporations and taxation).

Chapter 58A. — Appellate Tax Board (former title, Board of Tax Appeals).

Title revised, 1937, 400 § 2.

For legislation abolishing the board of tax appeals and creating the appellate tax board, see 1937, 400.

SECT. 1 revised, 1937, 400 § 3. (See 1937, 400 §§ 1, 2, 4, 5, 7.)

SECT. 5 revised, 1941, 381, 596 § 24.

SECT. 6 amended, 1932, 180 § 10; revised, 1933, 167 § 4; amended, 1934, 323 § 10; revised, 1938, 478 § 4; first sentence revised, 1941, 609 § 2; same sentence amended, 1941, 726 § 1. (See 1933, 167 § 5; 1934, 323 § 11; 1937, 400 § 1.)

SECT. 7 revised, 1933, 321 § 2; amended, 1939, 451 § 18. (See 1933, 321 § 9.)

SECT. 7A added, 1933, 321 § 3 (providing for the establishment of

informal procedure before the appellate tax board); revised, 1935, 447; third sentence revised, 1938, 384. (See 1933, 321 §§ 8, 9.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 8A added, 1935, 276 § 1 (providing for adequate discovery in tax appeal cases).

SECT. 10 revised, 1933, 321 § 5. (See 1933, 321 § 9.)

SECT. 12 amended, 1933, 321 § 6. (See 1933, 321 § 9.)

SECT. 13 revised, 1933, 321 § 7; one sentence revised, 1933, 350 § 8; same sentence amended, 1935, 218 § 1; 1939, 366 § 1. (See 1933, 321 § 9, 350 § 9.)

Chapter 59. — Assessment of Local Taxes.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4; 1936, 440 §§ 2, 3, 4; 1937, 444 §§ 2, 3, 4; 1938, 503 §§ 2, 3, 4; 1939, 516 §§ 2, 3, 4, 6, 7, 8; 1941, 731 §§ 2, 3, 4, 6, 7, 8.

Temporary act relative to the taking of appeals involving real estate in which closed banks have an interest, 1941, 145 § 2.

As to Boston taxes, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224.

SECT. 1 amended, 1936, 202 § 1; revised, 1938, 186 § 3. (See 1936, 202 § 2; 1938, 186 § 5.)

SECT. 5, clause First revised, 1936, 81; 1938, 47; clause Third, subsection (c) amended, 1933, 198 § 1 (see 1933, 198 § 2); clause Eleventh revised, 1938, 317; clause Sixteenth revised, 1936, 362 § 1; 1941, 467 (see 1936, 362 §§ 4, 8); clause Seventeenth revised, 1935, 294, amended, 1939, 451 § 19; revised, 1941, 227 § 1; clause Seventeenth A added, 1938, 186 § 4 (see 1938, 186 § 5); clause Eighteenth revised, 1941, 227 § 2; clause Twentieth revised, 1937, 132; 1941, 482; clause Twenty-second amended, 1939, 451 § 20; clause Twenty-third amended, 1932, 114 § 4; clause Thirty-fifth revised, 1939, 24 § 2.

SECT. 5A added, 1941, 227 § 3 (relative to collection of taxes from estates of persons who were relieved therefrom for lack of ability to pay, or otherwise).

SECT. 6 amended, 1933, 254 § 25; 1936, 59 § 1; first paragraph amended, 1941, 440. (See 1933, 254 § 66; 1936, 59 § 3.)

SECTS. 6 and 7. See 1934, 307.

SECT. 7, first paragraph amended, 1936, 59 § 2; section amended, 1939, 451 § 21. (See 1936, 59 § 3.)

SECT. 8 amended, 1933, 80, 254 § 26; paragraph added at end, 1935, 119 § 1. (See 1933, 254 § 66; 1935, 119 § 2.)

SECT. 9 amended, 1933, 254 § 27; revised, 1939, 342 § 4. (See 1933, 254 § 66.)

SECT. 10 amended, 1933, 254 § 28. (See 1933, 254 § 66.)

SECT. 11 amended, 1933, 254 § 29; revised, 1936, 92; 1939, 175. (See 1933, 254 § 66.)

SECT. 16 amended, 1937, 114.

SECT. 18, opening paragraph and clauses First and Second amended, 1933, 254 § 30; clause Second revised, 1936, 362 § 2. (See 1933, 254 § 66; 1936, 362 § 8.)

SECT. 19 amended, 1933, 254 § 31. (See 1933, 254 § 66.)

SECT. 20 revised, 1933, 254 § 32; amended, 1936, 376 § 1. (See 1933, 254 § 66.)

SECT. 21 revised, 1933, 254 § 33; 1936, 376 § 2. (See 1933, 254 § 66.)

SECT. 23, paragraph added at end, 1938, 175 § 2.

SECT. 27 amended, 1936, 118 § 2. (See 1936, 118 § 3.)

SECT. 29, last three sentences revised, 1933, 254 § 34. (See 1933, 254 § 66.)

SECT. 33 amended, 1933, 254 § 35. (See 1933, 254 § 66.)

SECT. 39 amended, 1933, 254 § 36; 1939, 451 § 22. (See 1933, 254 § 66.)

SECT. 41 amended, 1933, 254 § 37. (See 1933, 254 § 66.)

SECT. 45 amended, 1933, 254 § 38; form appended to section amended, 1933, 254 § 39. (See 1933, 254 § 66.)

SECT. 47 amended, 1933, 254 § 40. (See 1933, 254 § 66.)

SECT. 49 amended, 1933, 254 § 41. (See 1933, 254 § 66.)

SECT. 57 amended, 1933, 151 § 1; revised, 1933, 254 § 42; 1935, 158 § 1; amended, 1937, 203 § 1; revised, 1938, 330 § 1; 1941, 258 § 1. (See 1933, 151 § 2, 254 § 66; 1935, 158 § 2; 1937, 203 § 2; 1938, 330 § 2.)

SECT. 59, sentence added at end, 1933, 165 § 1; section revised, 1933, 254 § 43, 266 § 1; 1934, 136 § 2; amended, 1935, 187 § 1; revised, 1939, 250 § 1. (See 1933, 254 § 66, 266 § 2; 1934, 136 § 3; 1935, 187 § 2.)

SECT. 60 revised, 1941, 209.

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 61A added, 1935, 276 § 2 (providing for adequate discovery in proceedings for tax abatement).

SECT. 64, first paragraph amended, 1933, 130 § 1; second paragraph amended, 1935, 218 § 2; section revised, 1937, 400 § 6; 1938, 478 § 1; first sentence amended, 1939, 31 § 6; second paragraph amended, 1939, 366 § 2. (See 1937, 400 §§ 1-5, 7.)

SECT. 65 amended, 1933, 130 § 2, 167 § 1; revised, 1938, 478 § 2; 1939, 31 § 7.

SECT. 65A added, 1932, 218 § 1 (providing that the sale or taking of real property for payment of unpaid taxes thereon shall not prejudice proceedings for the abatement of such taxes); revised, 1933, 325 § 18. (See 1932, 218 § 2; 1933, 325 § 19.)

SECT. 65B added, 1938, 478 § 3 (relative to appeals to the appellate tax board from the refusal of assessors to abate certain taxes on real estate).

SECT. 69 amended, 1935, 218 § 3; 1939, 366 § 3.

SECT. 73 amended, 1933, 254 § 44. (See 1933, 254 § 66.)

SECT. 74 amended, 1933, 254 § 45; 1939, 24 § 3. (See 1933, 254 § 66.)

SECT. 75 amended, 1934, 104.

SECT. 78 amended, 1941, 258 § 5.

SECT. 79 amended, 1938, 150 § 1.

SECT. 83 amended, 1933, 254 § 46; 1939, 24 § 4. (See 1933, 254 § 66.)

SECT. 84 amended, 1933, 254 § 47. (See 1933, 254 § 66.)

SECT. 85 amended, 1933, 254 § 48. (See 1933, 254 § 66.) Affected, 1941, 609.

SECT. 86 amended, 1933, 254 § 49. (See 1933, 254 § 66.)

Chapter 60. — Collection of Local Taxes.

Temporary act relative to the care and disposal of land acquired by cities and towns through foreclosure of tax titles, 1938, 358; amended to include care and disposal of lands of low value acquired by cities and towns through purchase, 1939, 123; further amended and extended, 1941, 296.

SECT. 1, third paragraph revised, 1933, 164 § 1.

SECT. 3 revised, 1933, 254 § 50; amended, 1941, 258 § 2. (See 1933, 254 § 66.)

SECT. 3A added, 1934, 136 § 1 (requiring that certain information relative to abatement or exemptions be included in tax bills); amended, 1936, 156. (See 1934, 136 § 3.)

SECT. 3B added, 1935, 322 § 2 (relative to the suspension of payment of certain assessments payable by certain persons entitled to exemption from local taxes).

SECT. 4 revised, 1939, 342 § 5.

SECT. 5 revised, 1933, 168 § 2; amended, 1941, 258 § 3.

SECT. 13, sentence added at end, 1937, 143 § 5; section revised, 1939, 44; 1941, 308.

SECT. 15, first paragraph amended, 1934, 151 § 2; 1935, 252 § 1.

SECT. 15A added, 1935, 252 § 2 (further regulating charges and fees for the collection of poll taxes).

SECT. 16 revised, 1933, 168 § 1; amended, 1933, 254 § 51. (See 1933, 168 § 4, 254 § 66.)

SECT. 18 repealed, 1932, 54 § 1.

SECT. 22 revised, 1933, 254 § 52; affected, 1933, 308. (See 1933, 254 § 66.)

SECT. 22A added, 1941, 573 § 1 (relative to bills for taxes on parcels of real estate and payments on account thereof). (See 1941, 573 § 2.)

SECT. 23 revised, 1932, 197 § 1.

SECT. 35 revised, 1938, 150 § 2.

SECT. 37 amended, 1933, 254 § 53, 325 § 1; 1934, 131 § 2; revised, 1934, 169; amended, 1935, 269; 1936, 146; last sentence revised, 1941, 84 § 1. (See 1933, 254 § 66; 1934, 131 § 3; 1941, 84 § 2.)

SECT. 38 amended, 1933, 254 § 54, 325 § 2. (See 1933, 254 § 66, 325 § 21.)

SECT. 39 amended, 1933, 325 § 3.

SECT. 42 revised, 1933, 164 § 2.

SECT. 43, last sentence revised, 1932, 54 § 2; section amended, 1935, 183, 236.

SECT. 45 amended, 1933, 325 § 4; 1937, 209; 1938, 339 § 1.

SECT. 46, paragraph added at end, 1934, 131 § 1.

SECT. 48 amended, 1933, 325 § 5. (See 1933, 325 § 20.)

SECT. 50 revised, 1933, 325 § 6; amended, 1935, 414 § 1; 1936, 93 § 2; amended, 1941, 319 § 1. (See 1935, 414 § 4; 1941, 319 §§ 3, 4.)

SECT. 50A added, 1934, 154 § 2 (providing for protection of interests in real estate held under tax sales or takings).

SECT. 51 amended, 1933, 254 § 55. (See 1933, 254 § 66.)

SECT. 52 revised, 1936, 392 § 1.

SECT. 53 revised, 1933, 164 § 3. (See 1933, 325 § 20.)

SECT. 54 amended, 1933, 325 § 7; 1938, 339 § 2.

SECT. 55 amended, 1933, 325 § 8.

SECT. 58 revised, 1932, 2; 1939, 250 § 2.

SECT. 59 amended, 1933, 254 § 56. (See 1933, 254 § 66.)

SECT. 61 revised, 1933, 325 § 9; amended, 1934, 48; 1936, 93 § 1. (See 1933, 325 § 20.)

SECT. 62 revised, 1933, 325 § 10; first paragraph amended, 1934, 218; same paragraph revised, 1935, 414 § 2; second paragraph revised, 1935, 278; section revised, 1936, 392 § 2; second paragraph amended, 1941, 231; paragraph inserted after the second paragraph, 1938, 415 § 5. (See 1935, 414 § 4.)

SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3.

SECT. 65 amended, 1933, 325 § 12; 1938, 305.

SECT. 66 amended, 1935, 224 § 1. (See 1935, 224 § 6.)

SECT. 67 amended, 1935, 224 § 2. (See 1935, 224 § 6.)

SECT. 68 amended, 1935, 224 § 3; paragraph added at end, 1935, 354 § 1; section amended, 1935, 414 § 3. (See 1935, 224 § 6, 354 § 3, 414 § 4.)

SECT. 69 amended, 1935, 224 § 4. (See 1935, 224 § 6.)

SECT. 70 amended, 1935, 224 § 5. (See 1935, 224 § 6.)

SECT. 71 amended, 1941, 319 § 2. (See 1941, 319 §§ 3, 4.)

SECT. 75 amended, 1936, 189 § 1.

SECT. 76 revised, 1935, 318 § 1; amended, 1936, 189 § 2. (See 1935, 318 §§ 2, 8.)

SECT. 76A added, 1935, 354 § 2 (providing for redemption in part from tax sales in certain cases); paragraph added at end, 1939, 181. (See 1935, 354 § 3.)

SECT. 76B added, 1938, 415 § 6 (relative to the effect of errors or irregularities in respect to water rates and charges included in a tax title account).

SECT. 77, paragraph added at end, 1938, 339 § 3.

SECT. 78 amended, 1933, 325 § 13; repealed, 1936, 194. (See 1933, 325 § 20.)

SECT. 79, second paragraph amended, 1933, 325 § 14; 1935, 173 § 1; section revised, 1941, 594 § 1.

SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2; amended, 1941, 594 § 2. (See 1939, 123; 1941, 296.)

SECTS. 80A and 80B added, 1941, 594 § 3 (relative to the validity of title acquired at sales of lands of low value held by cities and towns under tax titles).

SECT. 84 revised, 1935, 260.

SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)

SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.

SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2; revised, 1935, 248 § 3; amended, 1939, 451 § 23; 1941, 380 § 6. (See 1934, 315 § 3.)

SECT. 97 revised, 1934, 151 § 1.

SECT. 104 revised, 1937, 43.

SECT. 105 revised, 1933, 168 § 3; 1941, 258 § 4.

Form 2 in schedule at end of chapter repealed, 1932, 54 § 1; schedule of forms at end of chapter stricken out, 1933, 168 § 3.

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.

SECT. 1, first paragraph amended, 1936, 384 § 1; last paragraph amended, 1936, 384 § 2; paragraph added at end, 1938, 111; section revised, 1938, 480 § 1; fourth paragraph amended, 1941, 718 § 1. (See 1941, 718 § 2.)

SECT. 2 revised, 1936, 384 § 3; 1938, 480 § 2; ninth sentence amended, 1939, 366 § 4.

SECT. 2A added, 1938, 492 § 1 (providing for the suspension of certificates of registration in cases of nonpayment of the excise on registered motor vehicles).

SECT. 3 revised, 1936, 384 § 4; 1938, 480 § 3.

SECT. 4 revised, 1938, 480 § 4, 492 § 2.

SECT. 6 amended, 1936, 384 § 5; revised, 1938, 480 § 5.

Chapter 61. — Classification and Taxation of Forest Lands and Forest Products (former title Taxation of Forest Products and Classification and Taxation of Forest Lands).

SECT. 3 amended, 1933, 254 § 57. (See 1933, 254 § 66.)

SECT. 5 amended, 1941, 490 § 15.

Chapter stricken out, and new chapter 61 (with new title) inserted, 1941, 652 § 1. (See 1941, 652 § 2.)

Chapter 62. — Taxation of Incomes.

For legislation establishing an additional tax upon personal incomes to provide funds for old age assistance. See 1941, 729 §§ 9, 15.

For temporary legislation relative to the taxation of dividends of certain corporations, see 1933, 307, 357; 1935, 489; 1936, 82 § 1; 1937, 395; 1938, 489 §§ 2-5; 1939, 373; 1941, 331.

For temporary legislation providing for additional taxes upon personal incomes, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3.

SECT. 1, subsection (c), paragraph Third added, 1935, 489 § 6; subsection (e) amended, 1935, 489 § 7.

SECT. 5, paragraph (b) amended, 1935, 489 § 8; same paragraph revised, 1939, 486 § 1; paragraph (c) revised, 1934, 363 § 1; 1935, 481 § 1. (See 1934, 363 § 2; 1935, 481 § 2; 1939, 486 § 3.)

SECT. 6, clause (g) revised, 1935, 436 § 1. (See 1935, 436 § 2.)

SECTS. 7A and 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 18. See Sect. 18 of Chapter 58 in this Table.

SECT. 21A added, under caption "PRESUMPTION AS TO INHABITANCY", 1936, 310 (providing that individuals under certain circumstances shall be presumed to be inhabitants of the Commonwealth for income tax purposes); repealed, 1938, 489 § 8.

SECT. 22 revised, 1939, 486 § 2. (See 1939, 486 § 3.)

SECT. 25A added, 1935, 438 § 3 (relative to returns of taxable gains from certain transactions in real property).

SECT. 30 amended, 1935, 152.

SECT. 33, paragraph added, 1932, 186.

SECT. 36 amended, 1933, 167 § 2.

SECT. 37 revised, 1933, 350 § 1. (See 1933, 350 § 9.)

SECT. 37A added, 1933, 350 § 2 (providing for the payment of income taxes in two installments). (See 1933, 350 § 9.)

SECT. 39, first sentence revised, 1933, 350 § 3. (See 1933, 350 § 9.)

SECT. 41 revised, 1932, 152; 1933, 350 § 4. (See 1933, 350 § 9.)

SECT. 43 amended, 1933, 350 § 5; 1937, 135 § 2. (See 1933, 350 § 9.)

SECT. 45 amended, 1939, 451 § 24.

SECT. 46 revised, 1933, 350 § 6. (See 1933, 350 § 9.)

Chapter 63. — Taxation of Corporations.

SECT. 1, paragraph defining "Net income" revised, 1933, 327 § 1. (See 1933, 327 § 7.)

SECT. 2 amended, 1933, 327 § 2; 1939, 451 § 25; 1941, 509 § 3. (See 1933, 327 § 7; 1941, 509 § 9.)

SECT. 3 amended, 1933, 254 § 58; 1934, 323 § 5. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 4 amended, 1939, 368; 1941, 509 § 4. (See 1941, 509 § 9.)

SECT. 5 amended, 1933, 254 § 59; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 6 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 12, paragraph (c) amended, 1937, 274 § 1; paragraph (h) added at end, 1934, 362.

SECT. 18 revised, 1939, 447 § 1. (See 1939, 447 § 3.)

SECT. 18A amended, 1939, 447 § 2. (See 1939, 447 § 3.)

SECT. 20 amended, 1941, 509 § 5. (See 1941, 509 § 9.)

SECT. 28 amended, 1939, 451 § 27; 1941, 509 § 6. (See 1941, 509 § 9.)

SECTS. 30-51. See 1934, 317 § 2.

SECTS. 30-60. For legislation establishing an additional tax under these sections to provide funds for old age assistance, see 1941, 729 §§ 9, 15.

For temporary legislation providing for additional taxes levied under these sections, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3.

SECT. 30, paragraph 3, subdivision (a) revised, 1939, 24 § 5; paragraph contained in lines 48-51 amended, 1933, 58 § 3; paragraph contained in lines 52-69 revised, 1934, 237 § 1; paragraph 4, subdivision (a) revised, 1939, 24 § 6; paragraph contained in lines 70-74 amended, 1933, 58 § 4, revised, 1934, 237 § 1; paragraph 5 revised, 1933, 327 § 3. (See 1933, 58 § 5, 327 § 7; 1934, 237 § 2.)

SECT. 32 revised, 1933, 342 § 1; amended, 1936, 362 § 5; 1939, 363 § 1. (See 1933, 342 § 6; 1936, 362 § 8; 1939, 363 § 2.)

SECT. 32A amended, 1933, 342 § 2. (See 1933, 342 § 6.)

SECT. 33 revised, 1933, 303 § 1. (See 1933, 303 § 3.)

SECT. 34 amended, 1933, 327 § 4. (See 1933, 327 § 7.)

SECT. 35 revised, 1933, 58 § 1.

SECT. 36 revised, 1933, 327 § 5; amended, 1935, 473 § 2. (See 1933, 327 § 7; 1935, 473 § 7.)

SECT. 38, paragraph 10 added at end, 1933, 342 § 3. (See 1933, 342 § 6.)

SECT. 38B, last paragraph amended, 1935, 473 § 3. (See 1935, 473 § 7.) [For temporary legislation affecting the taxation, during 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943 and 1944 of corporations subject to this section, see 1934, 317 § 1; 1935, 489 § 4; 1937, 395 § 5; 1938, 489 § 6; 1939, 373 § 5; 1941, 331 § 5.]

SECT. 38C revised, 1937, 383 § 1. (See 1937, 383 § 3.)

SECT. 39, subsection (1) revised, 1936, 362 § 6; last paragraph amended, 1933, 327 § 6; new paragraph added at end, 1933, 342 § 4. (See 1933, 327 § 7, 342 § 6; 1936, 362 § 8.)

SECT. 39A revised, 1933, 303 § 2; first paragraph amended, 1934, 134. (See 1933, 303 § 3.)

SECT. 40 revised, 1933, 58 § 2.

SECT. 42, last sentence amended, 1932, 180 § 11; section revised, 1933, 342 § 5. (See 1933, 342 § 6.)

SECT. 42B revised, 1937, 383 § 2. (See 1937, 383 § 3.)

SECT. 43. See 1933, 307 § 9A; 1935, 489 § 2; 1937, 395 § 2; 1938, 489 § 3; 1939, 373 § 2; 1941, 331 § 2.

SECT. 44 amended, 1935, 473 § 4; 1936, 362 § 7. (See 1935, 473 § 7; 1936, 362 § 8.)

SECT. 45 amended, 1933, 195 § 1; revised, 1935, 473 § 5. (See 1933, 195 § 2; 1935, 473 § 7.)

SECT. 48 revised, 1935, 473 § 1. (See 1935, 473 § 7.)

SECT. 53, first paragraph amended, 1933, 254 § 60; 1941, 509 § 7; clause Fourth revised, 1934, 323 § 6. (See 1933, 254 § 66; 1934, 323 § 11; 1941, 509 § 9.)

SECT. 54, paragraph in lines 9-17 amended, 1933, 254 § 61; same paragraph revised, 1934, 323 § 7; last paragraph amended, 1934, 323 § 7A. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 55, first paragraph amended, 1936, 134; section amended, 1939, 24 § 7.

SECT. 56A revised, 1934, 317 § 3. (See 1934, 317 § 4.)

SECT. 59 amended, 1934, 323 § 8. (See 1934, 323 § 11.)

SECT. 60 amended, 1939, 451 § 28; 1941, 509 § 8. (See 1941, 509 § 9.)

SECT. 68A amended, 1939, 24 § 8.

SECT. 70 revised, 1935, 473 § 6. (See 1935, 473 § 7.)

SECT. 71 amended, 1933, 167 § 3; 1939, 451 § 29.

SECT. 71A amended, 1935, 150; 1939, 451 § 30.

SECT. 71B added, 1937, 135 § 3 (providing that applications for abatement or correction of taxes, made pursuant to any provision of this chapter, shall be in writing upon forms approved by the commissioner).

SECT. 81 revised, 1939, 24 § 9.

Chapter 64. — Taxation of Stock Transfers.

SECT. 6 amended, 1939, 451 § 31.

Chapter 64A. — Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel.

Chapter affected, 1932, 248; 1935, 336; 1936, 398; 1938, 431 § 2; 1939, 408; 1941, 330.

SECT. 1, paragraph (d) revised, 1936, 357 § 1; paragraph (g) amended, 1941, 490 § 16. (See 1936, 357 § 3.)

SECT. 4 revised, 1938, 431 § 1.

SECT. 5 amended, 1936, 357 § 2; 1939, 451 § 32. (See 1936, 357 § 3.)

SECT. 10 amended, 1939, 451 § 33.

SECT. 12 revised, 1941, 490 § 17.

Chapter 64B. — Excise upon Charges for Meals served to the Public.

New chapter inserted, 1941, 729 § 17. (See 1941, 729 § 15.)

Chapter 65. — Taxation of Legacies and Successions.

For legislation establishing an additional tax upon legacies and successions to provide funds for old age assistance, see 1941, 729 §§ 9A, 15.

For temporary legislation providing for additional taxes upon legacies and successions, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 §§ 20, 22; 1941, 416 §§ 2, 3.

SECT. 1, table revised, 1933, 293; 1941, 415 § 1; first sentence revised, 1941, 605 § 1. (See 1941, 415 § 2, 605 § 2.)

SECT. 3 amended, 1939, 380.

SECTS. 24A-24F added, 1933, 319 (providing reciprocal relations in respect to death taxes upon estates of non-resident decedents).

SECT. 25 amended, 1939, 451 § 34; revised, 1939, 494 § 1.

SECT. 26 amended, 1939, 451 § 35; revised, 1939, 494 § 2.

SECT. 32 amended, 1939, 451 § 36.

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 1, paragraph added at end, 1932, 284; second paragraph revised, 1933, 316 § 1; section amended, 1937, 420 § 1. (See 1933, 316 § 2; 1937, 420 § 4.)

SECT. 6 amended, 1937, 420 § 2. (See 1937, 420 § 4.)

SECT. 7 repealed, 1937, 420 § 3. (See 1937, 420 § 4.)

Chapter 66. — Public Records.

SECT. 3 revised, 1936, 305; 1941, 662 § 1.

SECTS. 5, 7 and 16 affected, 1941, 662 § 2.

SECT. 15 amended, 1939, 40.

SECT. 17A added, 1941, 630 § 1 (making records relating to old age assistance, aid to dependent children and aid to the blind confidential).

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECT. 10, sentence added at end, 1934, 238.

Chapter 69. — Powers and Duties of the Department of Education.

SECT. 6 amended, 1932, 127 § 3.

SECT. 7 amended, 1935, 275; 1937, 213, 327; 1938, 315; revised, 1938, 424; amended, 1941, 351 § 6, 561.

SECT. 8 amended, 1932, 127 § 4.

SECT. 9 amended, 1938, 442 § 1.

SECT. 9A added, 1938, 442 § 2 (further regulating education in the use of English and certain other subjects adapted to fit persons for American citizenship).

SECT. 11 revised, 1939, 409 § 4. (See 1939, 409 §§ 1, 5.)

SECT. 23A added, 1938, 28 (requiring the furnishing of information to the director of the division of the blind by certain banks and other depositories).

SECT. 25 revised, 1935, 397.

SECTS. 25A-25E added, 1938, 329 (regulating the raising of funds for the benefit of the blind).

SECT. 26, paragraph added at end, 1935, 286.

SECT. 26A added, 1941, 630 § 2 (relative to information concerning recipients of aid to the blind).

SECT. 29 added, 1938, 313 (relative to instruction in lip reading for certain school children whose hearing is defective).

Chapter 70. — School Funds and Other State Aid for Public Schools.

SECT. 1A added, 1941, 524 (relative to reimbursement to cities and towns for certain school salaries).

SECT. 2 amended, 1932, 127 § 5.

SECT. 4, last paragraph amended, 1934, 143.

SECT. 6 amended, 1932, 127 § 6.

SECT. 11, paragraph (3) revised, 1941, 532.

SECT. 18 amended, 1932, 127 § 7.

Chapter 71. — Public Schools.

SECT. 2 amended, 1938, 246 § 1.

SECT. 7 amended, 1941, 590.

SECT. 13A added, 1938, 241 (requiring the teaching of the Italian language in certain public high schools in certain cases).

SECT. 13B added, 1939, 311 (relative to the teaching of modern languages in certain public high schools).

SECT. 19 amended, 1939, 461 § 1.

SECT. 30A added, 1935, 370 § 1 (requiring that an oath or affirmation be taken and subscribed to by certain professors, instructors and teachers in the colleges, universities and schools of the commonwealth). (See 1935, 370 §§ 2, 2A, 3.)

SECT. 34 revised, 1939, 294.

SECTS. 38A-38F added, 1941, 676 § 2 (relative to occupational guidance and placement). (See 1941, 646.)

SECT. 40 amended, 1941, 507.

SECT. 42 revised, 1934, 123.

SECT. 46 amended, 1941, 194 § 4.

SECT. 46A amended, 1932, 159.

SECT. 47 revised, 1935, 199.

SECT. 48A amended, 1935, 47.

SECT. 52 amended, 1932, 90.

SECT. 54 amended, 1938, 265 § 1.

SECT. 55 revised, 1938, 265 § 2.

SECT. 55A added, 1938, 265 § 3 (relative to the disposition of children showing signs of ill health or of being infected with a dangerous disease).

SECT. 56 revised, 1938, 265 § 4.

SECT. 58 amended, 1932, 127 § 8; revised, 1935, 287.

SECT. 66, paragraph added at end, 1937, 281.

SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)

SECT. 69 revised, 1935, 258.

SECT. 71 amended, 1935, 193.

Chapter 72. — School Registers and Returns.

SECT. 3, paragraph in lines 6-10 revised, 1939, 461 § 2.

Chapter 73. — State Teachers Colleges (former title, State Normal Schools).

Title changed, 1932, 127 § 9.

SECT. 1 amended, 1932, 127 § 10.

SECT. 2 amended, 1932, 127 § 11.

SECT. 2A added, 1938, 246 § 2 (making the constitutions of the United States and of this Commonwealth required subjects of instruction in State Teachers Colleges).

SECT. 3 amended, 1932, 127 § 12.

SECT. 4 amended, 1932, 127 § 13.

SECT. 4A amended, 1932, 127 § 14.

SECT. 5 amended, 1932, 127 § 15. (Temporarily affected, 1933, 233; 1934, 130; 1935, 277.)

SECT. 6 amended, 1932, 127 § 16.

SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21.

Chapter 74. — Vocational Education.

SECT. 1 revised, 1938, 446 § 1; amended, 1941, 617 § 1. (See 1938, 446 § 14.)

SECT. 2 amended, 1938, 446 § 2. (See 1938, 446 § 14.)

SECT. 3 amended, 1938, 446 § 3. (See 1938, 446 § 14.)

SECT. 4 amended, 1938, 446 § 4. (See 1938, 446 § 14.)

SECT. 6 amended, 1938, 446 § 5. (See 1938, 446 § 14.)

SECT. 7 amended, 1938, 446 § 6. (See 1938, 446 § 14.)

SECT. 8A revised, 1937, 323; paragraph added at end, 1939, 308.

SECT. 9 amended, 1938, 446 § 7. (See 1938, 446 § 14.)

SECT. 11 amended, 1933, 102 § 2; 1941, 617 § 2. (See 1933, 102 § 4.)

SECT. 13 amended, 1938, 446 § 8. (See 1938, 446 § 14.)

SECT. 19 revised, 1938, 446 § 9. (See 1938, 446 § 14.)

SECT. 21 amended, 1938, 446 § 10. (See 1938, 446 § 14.)

SECT. 22 amended, 1938, 446 § 11. (See 1938, 446 § 14.)

SECT. 22A amended, 1938, 446 § 12. (See 1938, 446 § 14.)

SECT. 28 revised, 1939, 501 § 6.

SECT. 30 amended, 1937, 41.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school).

SECT. 47E, paragraph added at end, 1935, 22.

SECT. 49, caption preceding section changed, 1942, 1 § 3; section amended, 1942, 1 § 5. (See 1942, 1 § 9.)

SECT. 53 revised, 1942, 1 § 6. (See 1942, 1 § 9.)

Chapter 75. — Massachusetts State College.

SECT. 5 revised, 1935, 288.

SECT. 5A added, 1939, 329 (authorizing the trustees of Massachusetts State College to retain and manage in a revolving fund receipts from student activities).

SECT. 6 amended, 1935, 462 § 2. (See 1935, 462 § 1.)

Chapter 76. — School Attendance.

SECT. 1 revised, 1939, 461 § 3; amended, 1941, 423.

SECTS. 7-10. See 1939, 454 § 21.

SECT. 15 revised, 1938, 265 § 5.

Chapter 77. — School Offenders and County Training Schools.

SECT. 1 revised, 1933, 295 § 1.

Chapter 78. — Libraries.

SECT. 4 revised, 1935, 202.

Chapter 79. — Eminent Domain.

SECT. 3, first paragraph amended, 1938, 172 § 6.

SECT. 8 amended, 1936, 187 § 1.

SECT. 9, last sentence amended, 1938, 172 § 7.

SECT. 15 repealed, 1936, 385 § 1. (See 1936, 385 § 2.)

SECT. 16 amended, 1936, 187 § 2; 1938, 185.

SECT. 44A added, 1935, 189 (relative to certain tax liens upon real estate taken by right of eminent domain); amended, 1936, 137.

Chapter 80. — Betterments.

SECT. 1 amended, 1933, 254 § 62. (See 1933, 254 § 66.)

SECT. 4 revised, 1933, 63 § 1.

SECT. 5 amended, 1933, 157 § 2. (See 1933, 157 § 3.)

SECT. 10 revised, 1933, 147.

SECT. 10A added, 1933, 157 § 1 (providing that failure of a board of officers to take action upon a petition for abatement of a betterment assessment shall, for the purposes of appeal, be equivalent to refusal to abate the assessment). (See 1933, 157 § 3.)

SECT. 13 amended, 1933, 63 § 2, 254 § 63; revised, 1934, 315 § 1; last sentence stricken out and new paragraph added, 1938, 489 § 1; first sentence of section amended, 1941, 595. (See 1933, 254 § 66; 1934, 315 § 3; 1941, 724.)

Chapter 81. — State Highways.

SECT. 5 revised, 1937, 218 § 1.

SECT. 7A added, 1937, 344 (granting certain powers to the department of public works with respect to certain ways connecting with state highways).

SECT. 7B added, 1941, 519 (giving the department of public works the power to take a slope easement, so called, in certain cases).

SECT. 8 revised, 1936, 371; amended, 1937, 218 § 2.

SECT. 13A added, 1936, 342 (authorizing the department of public works to accept in behalf of the commonwealth gifts of certain easements for the purpose of landscaping along state highways, and to do such landscaping).

SECT. 19, last four sentences stricken out, 1933, 187 § 1. (See 1933, 187 § 2.)

SECT. 26 amended, 1934, 366.

SECT. 27 amended, 1939, 224.

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 7 amended, 1933, 283 § 2.

SECT. 32B added, 1933, 283 § 3 (authorizing the taking of easements of slope, so called, by county, city or town officers in connection with the laying out, widening, altering or relocating of public ways).

SECT. 34 amended, 1935, 309; 1941, 533.

Chapter 84. — Repair of Ways and Bridges.

SECT. 18 revised, 1933, 114 § 1.

SECT. 19 amended, 1933, 114 § 2.

SECT. 20 revised, 1933, 114 § 3; amended, 1939, 147.

SECT. 25. Temporarily affected, 1934, 163.

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 2A added, 1941, 346 § 2 (authorizing the department of public works to remove vehicles from state highways when said vehicles interfere with the removal of snow and ice).

SECT. 11A added, 1941, 710 § 1 (relative to the registration and operation of certain bicycles).

SECTS. 12-14 repealed, 1941, 710 § 2.

SECT. 14B added, 1938, 432 (requiring the use of certain signal lights at locations on unlighted ways where certain vehicles are disabled).

SECT. 17B added, 1933, 43 (prohibiting riding upon the rear or on the side of street railway cars or motor buses without the consent of the persons in charge thereof).

SECT. 30 amended, 1935, 30; 1938, 171 § 1.

SECT. 31 revised, 1938, 171 § 2.

Chapter 87. — Shade Trees.

SECT. 5 amended, 1941, 490 § 18.

Chapter 89. — Law of the Road.

SECT. 2 revised, 1933, 301.

SECT. 5 amended, 1936, 49. (See 1938, 149.)

SECT. 7B added, 1934, 382 (relative to the application of traffic laws and regulations to fire apparatus and other emergency vehicles).

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1, paragraph (defining "heavy duty platform trailer") added, 1939, 354 § 1; same paragraph amended, 1941, 30; paragraph (defining "motor vehicles") amended, 1932, 182; 1938, 36; paragraph in lines 41-45 (defining "register number") revised, 1935, 43; two paragraphs (defining "semi-trailer" and "semi-trailer unit") added, 1933, 332 § 1; paragraph (defining "school bus") added, 1932, 271 § 1; paragraph in lines 52-56 stricken out, and two paragraphs (defining "tractor" and "trailer") inserted, 1933, 332 § 2; paragraph (defining "trailer") amended, 1939, 354 § 2. (See 1932, 271 § 7; 1933, 332 § 5.)

SECT. 1A amended, 1933, 372 § 3; 1934, 264 § 2.

SECT. 2, fourth paragraph revised, 1932, 5; seventh paragraph revised, 1939, 436 § 1; last paragraph revised, 1933, 54.

SECT. 3, first sentence revised, 1933, 188; section revised, 1939, 325; paragraph added at end, 1941, 282.

SECT. 3C revised, 1937, 387.

SECT. 6, first sentence revised, 1939, 436 § 2.

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; sentence added after fourth sentence, 1939, 153; paragraph added at end of section, 1941, 443. (See 1932, 123 § 2.)

SECT. 7A revised, 1932, 41, 271 § 2. (See 1932, 271 § 7.)

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus). (See 1932, 271 § 7.)

SECT. 8 amended, 1934, 103; 1937, 284.

SECT. 9 amended, 1934, 361; 1941, 283.

SECT. 9A revised, 1932, 168 § 1; 1935, 393 § 1. (See 1932, 168 §§ 2, 3; 1935, 393 § 2.)

SECT. 10 amended, 1935, 219.

SECT. 14 amended, 1938, 166.

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1. (See 1932, 271 § 7.)

SECT. 17, sentence added at end, 1932, 271 § 4. (See 1932, 271 § 7.)

SECT. 19, last sentence revised, 1933, 332 § 3; 1935, 223 § 1; section revised, 1935, 326 (but see 1935, 465); amended, 1936, 388 § 1; revised, 1941, 314. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2.) Affected by 1941, 589.

SECT. 20A added, 1934, 368 § 1 (providing for the non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws); revised, 1935, 176; first paragraph revised, 1938, 201. (See 1934, 368 § 2.)

SECT. 21 amended, 1936, 406.

SECT. 22, two paragraphs added at end, 1933, 191; first sentence (as appearing in 1933, 191) amended, 1941, 312.

SECT. 22A added, 1932, 304 § 1 (requiring the suspension of licenses to operate motor vehicles issued to persons who do not satisfy judgments in motor vehicle accident cases involving property damage). (See 1932, 304 § 2.)

SECT. 23, new paragraph added at end, 1933, 69.

SECT. 24 amended, 1932, 26 § 1; first sentence amended, 1936, 182 § 1; sentence contained in lines 65-97 amended, 1935, 360; paragraph added at end, 1936, 182 § 2; section revised, 1936, 434 § 1; paragraph (1) (a) amended, 1938, 145; paragraph (1) (c) revised, 1939, 82; para-

graph (2) (a) amended, 1937, 230 § 1; paragraph (2) (c) amended, 1937, 117. (See 1937, 230 § 2.)

SECT. 29, last sentence amended, 1932, 26 § 2; section amended, 1935, 477 § 1; second sentence revised, 1936, 391; last two sentences revised, 1938, 146.

SECT. 32B repealed, 1934, 209 § 2. (See 1934, 209 § 3.)

SECTS. 32C-32F added, 1934, 209 § 1 (further regulating the business of leasing motor vehicles upon a mileage basis). (See 1934, 209 § 3.)

SECT. 33, first four paragraphs stricken out, and five new paragraphs inserted, 1932, 249 § 1; fourth paragraph (as appearing in 1932, 249 § 1) amended, 1933, 183 § 1; paragraph in lines 21-41 amended, 1932, 180 § 12; same paragraph stricken out, and two paragraphs inserted, 1933, 332 § 4; two paragraphs so inserted stricken out, and new paragraph inserted, 1935, 409 § 1; the paragraph so inserted amended, 1936, 380 § 1; subdivisions (2) and (3) of the paragraph so inserted revised, 1937, 377; subdivision (3) of said paragraph amended, 1938, 430; subdivision (4) of said paragraph amended, 1939, 354 § 3; subdivision (6) of said paragraph amended, 1939, 354 § 4; last paragraph amended, 1936, 401. (See 1932, 249 § 2; 1933, 183 § 2, 332 § 5; 1935, 409 § 2; 1936, 380 § 2.)

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1. (See 1934, 364 § 3.)

SECT. 34A, new paragraph (defining "guest occupant") added, 1935, 459 § 1; paragraphs defining "motor vehicle liability bond" and "motor vehicle liability policy" revised, 1935, 459 § 2. (See 1935, 459 § 5.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13.

SECT. 34D revised, 1935, 459 § 3. (See 1935, 459 § 5.)

SECT. 34H, first paragraph amended, 1933, 119 § 4; new paragraph inserted, 1933, 119 § 5. (See 1933, 119 § 6.)

SECTS. 35-60 stricken out, and new sections 35-50 (uniform aeronautical code) inserted, 1935, 418 § 2. (See also below.)

SECT. 36 revised, 1938, 417 § 1.

SECT. 37 revised, 1938, 417 § 2.

SECT. 38 revised, 1938, 417 § 3.

SECT. 39 revised, 1938, 417 § 4.

SECT. 40 revised, 1938, 417 § 5.

SECT. 41 revised, 1938, 417 § 6.

SECT. 42 revised, 1938, 417 § 7.

SECT. 43 revised, 1938, 417 § 8.

SECT. 43A added, 1938, 417 § 9 (relative to the powers and duties of police and certain other officers as to aircraft accidents and violations of the laws, rules and regulations relative to aircraft).

SECT. 44 revised, 1938, 417 § 10.

SECT. 45 revised, 1938, 417 § 11.

SECT. 46 revised, 1938, 417 § 12.

SECTS. 35-43 and 44-50, inc. (inserted by 1935, 418 § 2, as amended) and sect. 43A (inserted by 1938, 417 § 9) stricken out and new sections 35-52 inserted, 1939, 393 § 3 (further revising the laws relative to aviation). (See 1939, 393 §§ 4-6.)

SECT. 35, paragraph defining "Airport" amended, 1941, 537 § 1; paragraph inserted after said paragraph, 1941, 537 § 2; paragraph de-

fining "Landing field" amended, 1941, 537 § 3; two paragraphs added at end, 1941, 537 § 4.

SECT. 39, first paragraph revised, 1941, 695 § 13.

SECTS. 40A-40I inserted, 1941, 537 § 5 (relative to protecting the approaches to publicly owned airports).

SECT. 42 amended, 1941, 537 § 6.

SECT. 44 amended, 1941, 537 § 7.

SECT. 45 amended, 1941, 537 § 8.

SECT. 53, last sentence amended, 1932, 180 § 14. Section stricken out, 1935, 418 § 2, see *supra*.

Chapter 91. — Waterways.

SECT. 6. See 1941, 695 § 15.

SECT. 9A added, 1938, 407 § 2 (providing a method for the development of waterfront terminal facilities).

SECT. 12A added, 1939, 513 § 6 (licensing and otherwise regulating structures, filling and excavations in certain rivers and streams).

SECT. 27, paragraph added at end, 1937, 372 § 2.

SECT. 46A added, 1935, 362 § 1 (penalizing the unlicensed breaking up or altering of vessels, scows, lighters or certain other structures).

SECT. 49 revised, 1935, 362 § 2.

Chapter 92. — Metropolitan Sewers, Water and Parks.

For legislation including a certain portion of Lexington in the north metropolitan sewerage system, see 1934, 225.

SECT. 48 amended, 1934, 266 § 1. (See 1934, 266 § 4.)

SECT. 56 revised, 1933, 197 § 1; sentence added at end, 1939, 429 § 1. (See 1939, 429 §§ 2, 4.)

SECT. 57 amended, 1933, 197 § 2.

SECT. 60 revised, 1939, 429 § 3. (See 1939, 429 § 4.)

SECT. 60A added, 1937, 352 § 1 (regulating the making and awarding of certain contracts by the metropolitan district commission and metropolitan district water supply commission); repealed, 1941, 547 § 2. (See 1937, 352 § 2; 1941, 547 § 1.)

SECT. 62 revised, 1938, 396; amended, 1941, 658 § 1. (See 1941, 658 § 2.)

SECT. 62A added, 1937, 416 § 1 (providing for a reserve police force for the metropolitan district commission); revised, 1939, 441 § 1. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 63 repealed, 1937, 416 § 2. (See 1937, 416 § 5; 1939, 441 § 3.)

SECT. 93 amended, 1934, 266 § 2. (See 1934, 266 § 4.)

SECT. 94 amended, 1934, 266 § 3. (See 1934, 266 § 4.)

SECT. 100 revised, 1939, 499 § 7.

Chapter 93. — Regulation of Trade and Certain Enterprises.

SECT. 8, sentence added at end, 1938, 410 § 2.

SECTS. 14A-14D added, under heading "FAIR TRADE", 1937, 398 (protecting trade mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name).

SECT. 14A amended, 1939, 231.

SECT. 14B amended, 1939, 313.

SECTS. 14E-14K added, under heading "UNFAIR SALES", 1938, 410 § 1 (defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, or the selling below cost, of merchandise for the purpose of injuring competitors or destroying competition). (See 1941, 715.)

SECT. 14E paragraphs (a) and (b) amended, 1939, 189 § 1; paragraph (h) added at end, 1939, 189 § 2.

SECT. 14F revised, 1941, 494.

Caption immediately preceding section 21 amended, 1939, 343 § 3.

SECT. 21 amended, 1939, 343 § 1; 1941, 583 § 1.

SECTS. 21A-21D added, 1941, 583 § 2 (defining and further regulating private trade schools).

SECT. 22 amended, 1939, 343 § 2; 1941, 583 § 3.

SECTS. 28A-28D added, under heading "REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES", 1938, 165.

SECT. 28A revised, 1939, 207.

SECT. 34. For temporary act to enable savings banks and certain other banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

Chapter 94. — Inspection and Sale of Food, Drugs and Various Articles.

SECT. 1, paragraph in lines 128-132 (defining "pasteurized milk") revised, 1932, 158; section amended in part, 1933, 67 §§ 1-5; paragraph (defining "milk plant" and "manufactory") added, 1933, 338 § 1; paragraph in lines 30-36 (defining "butter" and "cheese") stricken out and new paragraph defining "butter" inserted, 1937, 335 § 1; paragraph in line 40 reading, "cheese", see "butter", stricken out and four new paragraphs inserted, 1937, 335 § 2 (defining cheese and cream cheese); paragraph (defining "bakery") amended, 1937, 362 § 1; paragraphs in lines 148-164 (defining "agricultural seeds" or "agricultural seed", "noxious weed seeds" and "weed seeds") revised and definition of "vegetable seeds" added, 1938, 363 § 1; paragraph in lines 177-181 revised, 1939, 196 § 1. (See 1937, 362 § 7.)

SECT. 6 amended, 1937, 362 § 2. (See 1937, 362 § 7.)

SECT. 7 amended, 1941, 490 § 19.

SECT. 8 revised, 1937, 53.

SECT. 9 amended, 1939, 261 § 6.

SECTS. 9A-9M added, 1937, 362 § 3 (changing the position in the General Laws of certain provisions of law relative to bakeries). (For prior legislation, see G. L. chap. 111 §§ 34-43, 46-49, repealed by 1937, 362 § 6.) (See 1937, 362 §§ 6, 7.)

SECT. 10 amended, 1937, 362 § 4. (See 1937, 362 § 7.)

SECTS. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

SECT. 10F amended, 1941, 119.

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see note to G. L. chapter 94A, inserted by 1941, 691 § 2.

SECTS. 13, 14, 14A and 15 stricken out, and new sections 13-13E (relative to the grading of milk) inserted, 1933, 263 § 1. (See 1933, 263 § 3.)

SECT. 16 stricken out and sections 16-16I (regulating the production, sale and distribution of milk) inserted, 1932, 305 § 3. (See 1932, 305 §§ 5, 6.)

SECT. 16C amended, 1941, 374.

SECT. 17A amended, 1933, 124.

SECT. 18 revised, 1933, 263 § 2. (See 1933, 263 § 3.)

SECT. 20 revised, 1939, 212.

SECT. 29A revised, 1933, 253.

SECT. 30 revised, 1933, 253.

SECT. 31 revised, 1933, 253.

SECT. 40 amended, 1941, 298.

SECT. 42A stricken out, and new sections 42A-42K (requiring dealers in milk or cream to be licensed and bonded) inserted, 1933, 338 § 2; affected, 1939, 421.

SECT. 42A amended, 1935, 126.

SECT. 42F revised, 1934, 180 § 1.

SECT. 42H, paragraph 2 revised, 1934, 180 § 2.

SECT. 43 revised, 1932, 305 § 4; amended, 1935, 88; first paragraph amended, 1936, 210. (See 1932, 305 §§ 5, 6.)

SECT. 45 revised, 1935, 317.

SECT. 48B added, 1935, 259 (requiring institutions supported wholly or in part by funds of the commonwealth to use milk, other than cream and certified milk, produced within the commonwealth).

SECT. 48C added, 1939, 317 (regulating the manufacture, sale and delivery of certain milk beverages, so called).

SECT. 50 amended, 1937, 335 § 3.

SECT. 60 revised, 1934, 373 § 2.

SECT. 61A added, 1937, 335 § 4 (relative to the manufacture and sale of certain cheese).

SECTS. 64, 64A, 65, 65A, 65B, 65E and 65F, and the caption of said section 64, stricken out, and sections 65G-65S inserted, under caption "FROZEN DESSERTS AND ICE CREAM MIX", 1934, 373 § 1. (See 1934, 373 § 8.)

SECT. 65J, second paragraph revised, 1937, 341 § 1.

SECT. 65L, subdivision (c) amended, 1937, 341 § 2.

SECT. 65P, paragraph (f) added at end, 1937, 341 § 3.

SECT. 74 revised, 1933, 329 § 5; repealed, 1941, 598 § 2.

SECT. 74A added, 1933, 329 § 6 (definition of "fish"); repealed, 1941, 598 § 2.

SECTS. 75 and 76 repealed, 1933, 329 § 7.

SECT. 77, first sentence stricken out, 1933, 329 § 8; repealed, 1941, 598 § 2.

SECT. 77A added, 1934, 216 (regulating the importation of fresh swordfish).

SECT. 78 revised, 1933, 329 § 9; repealed, 1941, 598 § 2.

SECT. 78A added, 1933, 329 § 10 (prohibiting certain misrepresentations in the sale of lobsters); repealed, 1941, 598 § 2.

SECT. 79 repealed, 1933, 329 § 7.

SECT. 80 repealed, 1941, 598 § 2.

SECT. 81 revised, 1933, 329 § 11; 1939, 491 § 10; repealed, 1941, 598 § 2. (See 1939, 491 § 12.)

SECT. 82 repealed, 1941, 598 § 2.

SECT. 83 revised, 1933, 329 § 12; repealed, 1941, 598 § 2.

SECT. 85 amended, 1939, 261 § 7.

SECT. 88A revised, 1933, 329 § 13; repealed, 1941, 598 § 2.

SECT. 88B added, 1936, 176 (requiring that shucked scallops and quahaugs in the shell be sold only by weight).

SECT. 90A added, 1935, 369 (relative to the sale and distribution of eggs).

SECT. 90B added, 1938, 404 (establishing standard sizes in connection with the sale and distribution of eggs).

SECT. 92B added, under caption "MEATS AND POULTRY", 1935, 97 (requiring the retail sale of meats and poultry to be by weight).

SECT. 98 amended, 1939, 261 § 8.

SECT. 99A amended, 1939, 261 § 9.

SECT. 123 amended, 1932, 180 § 15.

SECT. 146, first paragraph amended, 1934, 340 § 6. (See 1934, 340 § 18.)

SECT. 148, second paragraph amended, 1934, 340 § 6A. (See 1934, 340 § 18.)

SECTS. 152A-152C added, 1934, 296 (relative to the sale and transportation of poultry).

SECT. 152A amended, 1935, 157 § 1.

SECT. 152B revised, 1935, 157 § 2.

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311.

SECT. 172 revised, 1939, 122.

SECT. 181 amended, 1939, 261 § 10.

SECT. 182 amended, 1939, 261 § 11.

SECT. 184 amended, 1939, 261 § 12.

SECT. 185A repealed, 1937, 341 § 4.

SECT. 197, paragraph in lines 10-15 revised, 1935, 412 § 1.

SECT. 198 amended, 1935, 412 § 2.

SECTS. 198A and 198B added, 1935, 412 § 3 (relative to the licensing of certain dealings in narcotic drugs).

SECT. 201 amended, 1935, 412 § 4.

SECT. 203 amended, 1935, 412 § 5.

SECT. 206 amended, 1935, 412 § 6.

SECT. 211 amended, 1935, 412 § 7; revised, 1938, 321 § 1.

SECT. 212 amended, 1938, 321 § 2.

SECT. 212A added, 1938, 321 § 3 (providing for the arrest without a warrant and punishment of a person present where a narcotic drug is unlawfully kept or deposited).

SECT. 214 amended, 1935, 412 § 8.

SECT. 215 amended, 1935, 412 § 9.

SECT. 217 amended, 1935, 412 § 10.

SECT. 225, paragraph added at end, 1939, 69.

SECT. 239A amended, 1939, 261 § 13.

SECT. 244 amended, 1941, 155 § 1.

SECT. 245 revised, 1933, 94 § 2; amended, 1939, 261 § 13A; revised, 1941, 155 § 2.

SECT. 246 revised, 1941, 155 § 4.

SECT. 248 amended, 1934, 184; 1939, 261 § 14.

SECT. 249A amended, 1939, 261 § 15.

SECT. 249B amended, 1939, 261 § 16.

SECT. 249F amended, 1939, 261 § 17.

SECT. 249G added, under caption "MATERIAL FOR ROAD CONSTRUCTION", 1933, 94 § 1 (authorizing certain officers to direct the weighing of material for road construction); amended, 1939, 261 § 17A; repealed, 1941, 155 § 3.

SECT. 250 revised, 1933, 67 § 6.

SECT. 252 amended, 1933, 67 § 7.

SECT. 254 amended, 1933, 67 § 8.

SECT. 255 amended, 1933, 67 § 9.

SECT. 256 revised, 1933, 67 § 10.

SECT. 257 revised, 1933, 67 § 11.

SECT. 258 revised, 1933, 67 § 12.

SECT. 261A amended, 1938, 363 § 2.

SECT. 261B amended, 1938, 363 § 3.

SECT. 261C revised, 1938, 363 § 4.

SECT. 261D revised, 1938, 363 § 5.

SECT. 261E, paragraph added at end, 1938, 363 § 6.

SECTS. 261H-261L stricken out, and new sections 261H-261L inserted, 1937, 288 § 1. (See 1937, 288 § 2.)

SECT. 261H, paragraph added at end, 1938, 363 § 7.

SECT. 261K amended, 1938, 363 § 8.

SECT. 261L revised, 1938, 363 § 9.

SECT. 270, paragraph added at end, 1937, 176.

SECTS. 270A and 270B added, 1935, 439 (providing for the sterilization of feathers, down and second-hand material intended for use in the manufacture of any article of bedding or of upholstered furniture).

SECT. 270C added, 1939, 196 § 2 (relative to the marking of certain articles of bedding and upholstered furniture consisting in whole or in part of second-hand metal).

SECT. 270D added, 1939, 351 (further regulating the sale within the commonwealth of articles of bedding and upholstered furniture); repealed, 1941, 57.

SECT. 276 amended, 1939, 196 § 3.

SECT. 277A added, 1941, 422 (requiring the marking or labelling of furs, imitation furs and articles made therefrom, and prohibiting misrepresentation in such marks or labels).

SECT. 283 amended, 1939, 261 § 17B.

SECT. 295A added, under heading "PETROLEUM PRODUCTS", 1933, 228 (relative to prevention of fraud and misrepresentation in the sale of gasoline, lubricating oils and other motor fuels, and to prevention of the adulteration thereof).

SECTS. 295B and 295C added, 1938, 411 (prohibiting and penalizing the use of misleading signs relating to the price of gasoline and other motor fuel).

SECT. 295C revised, 1939, 218.

SECTS. 295A-295C stricken out, and new sections 295A-295O inserted, 1939, 459 § 1 (further regulating the advertising and sale of motor fuel at retail). (See 1939, 459 § 3.)

SECT. 295G revised, 1941, 311.

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 303A-303E added, under caption "METHYL^WOR WOOD ALCOHOL", 1934, 372 § 3 (relative to such alcohol and to certain preparations containing such alcohol).

SECT. 303A amended, 1935, 342; 1936, 53.

SECT. 303B amended, 1937, 177 § 1.

SECT. 303C revised, 1937, 177 § 2.

SECT. 303F added, under caption "FUEL OILS", 1935, 95 (regulating the sale of fuel oils).

SECT. 305A amended, 1937, 362 § 5. (See 1937, 362 § 7.)

Chapter 94A. — Milk Control.

New chapter inserted, 1941, 691 § 2. (See 1941, 691 §§ 3-6.)

(For prior temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see 1934, 376; term of office of said board extended, 1936, 300; 1938, 334; 1939, 413; 1941, 418 § 1; 631 § 1; legislation amended, 1937, 428; 1938, 279; 1939, 302.)

Chapter 95. — Measuring of Leather.

SECT. 1 amended, 1939, 261 § 18.

Chapter 97. — Surveying of Land.

SECTS. 8-13 added, 1941, 47 (defining and authorizing the use of a system of plane co-ordinates for designating and stating positions of points on the surface of the earth within the commonwealth).

Chapter 98. — Weights and Measures.

SECT. 1 amended, 1939, 261 § 19.

SECT. 14A amended, 1936, 73.

SECT. 20 amended, 1934, 373 § 3.

SECT. 21 amended, 1934, 373 § 4.

SECT. 22 amended, 1939, 261 § 19A; revised, 1941, 59.

SECT. 30 repealed, 1935, 60 § 2.

SECT. 32 amended, 1935, 60 § 3.

SECT. 37 amended, 1936, 72.

SECT. 41 amended, 1941, 462.

SECT. 56, paragraph ($b\frac{1}{2}$) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters); section revised, 1937, 74; paragraph ($b\frac{1}{2}$) added, 1937, 305 § 1. (See 1937, 305 § 2.)

SECT. 56A added, 1941, 60 (relative to the location of scales and other weighing devices used in weighing food sold at retail by weight).

Chapter 99. — The Metric System of Weights and Measures.

SECT. 1 amended, 1939, 261 § 20.

SECT. 3 amended, 1939, 261 § 21.

SECT. 4 amended, 1939, 261 § 22.

Chapter 100. — Auctioneers.

SECT. 1, paragraph added at end, 1936, 209 § 1.

SECT. 2 revised, 1941, 81.

SECT. 5 amended, 1932, 156 § 1.

SECT. 14 revised, 1932, 156 § 2.

SECT. 16 revised, 1932, 156 § 3.

SECTS. 18-21 added, 1936, 209 § 2 (relative to bankruptcy auctions and other auctions of similar type and relative to certain fraudulent practices at auctions).

Chapter 101. — Transient Vendors, Hawkers and Pedlers.

SECT. 1, second paragraph revised, 1936, 218; section amended, 1941, 490 § 21.

SECT. 3 amended, 1939, 261 § 23; 1941, 490 § 22.

SECT. 5 amended, 1933, 254 § 64. (See 1933, 254 § 66.)

SECT. 6A added, 1938, 85 (providing that applications for transient vendors' licenses shall contain irrevocable power of attorney for service of process, and providing for service of process under authority thereof).

SECT. 15 amended, 1937, 214; revised, 1937, 333.

SECT. 16 revised, 1935, 42; amended, 1937, 130.

SECT. 19 amended, 1934, 114; 1937, 73.

SECT. 24 amended, 1936, 74.

SECT. 27 amended, 1941, 490 § 23.

SECT. 30 amended, 1934, 77.

SECT. 32 amended, 1941, 490 § 24.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

SECT. 15 revised, 1932, 232 § 1.

SECT. 15A added, 1932, 232 § 2 (penalty for improper operation of motor and other boats).

SECT. 17 revised, 1932, 57.

Chapter 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1.

SECTS. 2A and 2B added, 1935, 122 § 1 (relative to the termination of liability of sureties on bonds furnished by public warehousemen). (See 1935, 122 § 3.)

SECT. 6 revised, 1935, 122 § 2. (See 1935, 122 § 3.)

SECT. 9, clause (h) revised, 1935, 310 § 2.

Chapter 107. — Money and Negotiable Instruments.

SECT. 31 amended, 1941, 215.

Chapter 108A. — Partnerships.

SECT. 34, first paragraph amended, 1932, 180 § 16.

Chapter 110. — Labels, Trade Marks, Names and Registration Thereof.

SECT. 21 amended, 1934, 373 § 5.

Chapter 110A. — Promotion and Sale of Securities.

Chapter stricken out and new chapter inserted, 1932, 290 § 1. (See 1932, 290 §§ 3, 4.)

The following references are to the new chapter 110A:

SECT. 2, paragraph (a) revised, 1939, 442 § 4; paragraph (c) amended, 1936, 316; 1938, 445 § 2; paragraph (f) revised, 1938, 445 § 3.

SECT. 4, paragraph (g) revised, 1938, 445 § 4; paragraph (j) added, 1938, 445 § 5.

SECT. 5, paragraph inserted before the last paragraph, 1938, 445 § 6.

SECT. 9, last sentence stricken out, 1938, 445 § 7.

SECT. 10, fourth sentence stricken out and two new sentences inserted, 1938, 445 § 8.

SECT. 11A added, 1938, 445 § 9 (regulating the sale by a corporation of its securities to employees). [For prior legislation, see General Laws, chapter 155 § 23A, repealed by 1938, 440 § 13.]

SECT. 12 revised, 1938, 445 § 10; last paragraph amended, 1939, 442 § 5.

SECT. 12A added, 1938, 445 § 11 (relative to the modifying or annulling by the commission of orders or findings made by the director of the securities division and to review of such action); repealed, 1939, 442 § 6.

SECT. 13 amended, 1936, 68.

SECT. 18 revised, 1938, 445 § 12.

Chapter 111. — Public Health.

SECT. 1, paragraph added at end, 1938, 265 § 6.

SECT. 5, paragraph added at end, 1941, 388.

SECT. 5A added, 1941, 612 (relative to the preparation and distribution by the department of public health of products applicable to the prevention or cure of diseases of man).

SECT. 6 revised, 1938, 265 § 7.

SECT. 11 revised, 1934, 328 § 1.

SECT. 15 amended, 1934, 340 § 7. (See 1934, 340 § 18.)

SECT. 16 amended, 1934, 340 § 8. (See 1934, 340 § 18.)

SECT. 17 amended, 1937, 340.

SECT. 24 amended, 1937, 365; revised, 1939, 234.

SECT. 27A revised, 1932, 209.

SECT. 31 amended, 1937, 285.

SECT. 31A stricken out, and new sections 31A and 31B inserted, 1937, 282.

SECTS. 34-43 and 46-49, and the caption preceding section 34, repealed, 1937, 362 § 6. (See 1937, 362 §§ 1-5, 7.)

SECT. 65A amended, 1936, 346 § 1; 1941, 506. (See 1936, 346 § 2.)

SECT. 66 amended, 1934, 219. (See 1936, 346 § 2.)

SECT. 66A added, 1937, 392 (permitting the admission to state sanatoria and county tuberculosis hospitals, for purposes of diagnosis and observation, of certain patients with diseases of the lungs other than recognizable tuberculosis).

SECTS. 67A-67D added, under caption "CARE OF CERTAIN INFANTS PREMATURELY BORN", 1937, 332.

SECT. 67A revised, 1939, 246 § 1.

SECT. 67C revised, 1939, 246 § 2.

SECT. 69A amended, 1936, 337 § 1.

SECT. 69C amended, 1936, 337 § 2.

SECT. 70 amended, 1941, 194 § 5, 389 § 1.

SECTS. 71-73 stricken out, and sections 71-72A and 73 inserted, 1941, 661 § 1. (See 1941, 661 § 2.)

SECT. 74 amended, 1941, 72.

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 78. See 1935, 52.

SECT. 79 revised, 1936, 343.

SECT. 83A added, 1933, 318 § 6 (relative to the indemnification or protection of officers and employees of tuberculosis hospital districts in connection with actions for personal injuries arising out of the operation of vehicles owned by such districts); amended, 1934, 291 § 5. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 85A revised, 1932, 65.

SECT. 88. (See 1941, 616 § 1.)

SECT. 96 revised, 1938, 265 § 8.

SECT. 96A added, 1938, 265 § 9 (regulating the transportation to another town of a person infected with a disease dangerous to public health).

SECT. 97 revised, 1938, 265 § 10.

SECT. 104 revised, 1938, 265 § 11.

SECT. 107 revised, 1938, 265 § 12.

SECT. 109 revised, 1938, 265 § 13.

SECT. 109A added, 1936, 115 (relative to the treatment of infants' eyes at time of birth).

SECT. 110, second sentence amended, 1932, 180 § 17.

SECT. 111 revised, 1938, 265 § 14.

SECT. 112 amended, 1938, 265 § 15.

SECT. 113 revised, 1938, 265 § 16.

SECT. 116. See 1939, 454 § 21.

SECT. 116A added, under caption "CHRONIC RHEUMATISM", 1937, 393 (providing for the hospitalization of patients with chronic rheumatism).

SECT. 117 revised, 1935, 155; 1937, 391.

SECT. 118 amended, 1933, 44.

SECT. 121A added, 1939, 407 (requiring a serological test for syphilis of pregnant women).

SECT. 127 revised, 1937, 339.

SECT. 141 revised, 1937, 278.

SECT. 143 revised, 1933, 269 § 2.

SECT. 154 amended, 1934, 340 § 9. (See 1934, 340 § 18.)

SECT. 173A added, 1938, 293 (extending the jurisdiction of certain police officers employed to protect public sources of water supply from pollution).

SECT. 175 revised, 1941, 353.

SECTS. 176-180 repealed, 1938, 265 § 17.

SECT. 184A added, 1939, 344 (authorizing the state department of public health to issue certificates of approval relative to bacteriological laboratories).

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 2, second sentence revised, 1933, 171 § 1, 1936, 247 § 1; three paragraphs added at end of section, 1936, 247 § 2; section amended, 1938, 210; paragraph added at end, 1939, 415 § 1; section revised, 1939, 451 § 37; amended, 1941, 722 § 9. Affected, 1938, 259. (See 1933, 171 § 2; 1936, 247 §§ 3-6; 1939, 415 §§ 3, 4.)

SECT. 5 revised, 1937, 425 § 12. (See 1937, 425 § 15.)

SECT. 9 revised, 1933, 152.

SECT. 13 amended, 1937, 425 § 2. (See 1937, 425 § 15.)

SECT. 14 amended, 1937, 425 § 3. (See 1937, 425 § 15.)

SECT. 15 amended, 1937, 425 § 4. (See 1937, 425 § 15.)

SECT. 16 revised, 1937, 425 § 5. (See 1937, 425 § 15.)

SECT. 17 revised, 1937, 425 § 6. (See 1937, 425 § 15.)

SECT. 17A added, 1937, 425 § 7 [defining certain duties of the board of registration in chiropody (podiatry)]. (See 1937, 425 § 15.)

SECT. 18 amended, 1937, 425 § 8. (See 1937, 425 § 15.)

SECT. 19 amended, 1937, 425 § 9. (See 1937, 425 § 15.)

SECT. 20 amended, 1937, 425 § 10. (See 1937, 425 § 15.)

SECT. 21 amended, 1937, 425 § 11. (See 1937, 425 § 15.)

SECT. 23 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECT. 24 amended, 1932, 227; 1933, 126; 1937, 343 § 1; revised, 1941, 52 § 1. (See 1941, 52 § 2.)

SECT. 27 revised, 1934, 328 § 2; amended, 1937, 343 § 2.

SECT. 30 amended, 1937, 343 § 3.

SECT. 32 amended, 1934, 328 § 3.

SECT. 34 amended, 1934, 328 § 4.

SECT. 35 amended, 1934, 328 § 5; 1935, 306; 1937, 343 § 4.

SECT. 36 revised, 1934, 328 § 6.

SECT. 38 revised, 1934, 236.

SECT. 39 amended, 1939, 138.

SECT. 40 amended, 1934, 328 § 6A; 1937, 343 § 5.

SECT. 42A added, 1937, 343 § 6 (relative to the retail drug business and pharmacy).

SECT. 45, second sentence amended, 1932, 180 § 18; paragraph added at end, 1939, 415 § 2. (See 1939, 415 § 3.)

SECT. 46, clause Third amended, 1934, 108.

SECT. 50 amended, 1935, 344.

SECTS. 52A and 52B added, 1934, 281 (relative to methods and practices of dentists and dental hygienists).

SECT. 52A revised, 1937, 253.

SECT. 55 amended, 1937, 66; revised, 1939, 251 § 1. (See 1939, 251 §§ 2, 3, 4.)

SECTS. 60A-60J added under caption "REGISTRATION OF ARCHITECTS", 1941, 696 § 2. (See 1941, 696 §§ 3, 4.)

SECTS. 66-73 stricken out, and new sections 66-73 inserted, 1934, 339 § 2.

SECT. 72 amended, 1938, 434 § 1. (See 1938, 434 § 4.)

SECT. 73 amended, 1938, 434 § 2. (See 1938, 434 § 4.)

SECT. 73A added, 1937, 287 § 1 (regulating advertising in connection with the sale of eyeglasses, lenses or eyeglass frames). (See 1937, 287 § 2.)

SECT. 73B added, 1938, 434 § 3 (further regulating optometrists with respect to premises where practice may be carried on and to the sharing of their fees). (See 1938, 434 § 4.)

SECTS. 74-81 stricken out, and new sections 74-81C added, 1941, 620 § 3. (See 1941, 620 §§ 1, 4-12.)

SECTS. 81A-81Q inserted under caption "REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS", 1941, 643 § 2. (See 1941, 643 §§ 3-5.)

SECT. 81A, as so inserted, amended and renumbered 81D, 1941, 722 § 9A.

SECT. 81L amended, 1941, 722 § 9B.

SECTS. 81B-81Q, inclusive, inserted by 1941, 643 § 2, renumbered 81E-81T, inclusive, 1941, 722 § 9C.

SECTS. 82-87, and caption before said section 82, stricken out, and new sections 82-87 inserted, under caption "REGISTRATION OF EMBALMERS AND FUNERAL DIRECTORS", 1936, 407 § 3. (See 1936, 407 §§ 5-8.)

SECT. 82, definition of "Funeral directing", revised, 1939, 160 § 1.

SECT. 83, third paragraph amended, 1939, 160 § 4.

SECT. 85 amended, 1941, 232.

SECT. 87 amended, 1937, 13; 1939, 160 § 2.

SECTS. 87F-87S. See 1937, 184.

SECT. 87F, paragraph contained in lines 4-9 revised, 1934, 260 § 1.

SECT. 87H, four sentences added at end, 1934, 260 § 2; section amended, 1936, 314 § 1; second paragraph amended, 1937, 94; same paragraph revised, 1941, 619 § 1. (See 1941, 619 § 2.)

SECT. 87I amended, 1936, 314 § 2.

SECT. 87K, paragraph added at end, 1936, 314 § 3.

SECT. 87M amended, 1936, 314 § 4.

SECT. 87O amended, 1933, 149 § 2. (See 1933, 149 § 3.)

SECT. 87P amended, 1934, 260 § 3.

SECT. 87R amended, 1936, 314 § 5.

SECTS. 87T-87JJ added, under caption "REGISTRATION OF HAIRDRESSERS", 1935, 428 § 2. (See 1935, 428 §§ 6, 7.)

SECT. 87T, definition of "Apprentice" stricken out and definition of "Instructor" added, 1941, 626 § 1; definition of "shop" revised, 1941, 626 § 2.

SECT. 87U amended, 1937, 385 § 2; revised, 1941, 626 § 3.

SECT. 87V amended, 1937, 385 § 3; revised, 1941, 626 § 4.

SECT. 87W amended, 1937, 385 § 4; revised, 1941, 626 § 5.

SECT. 87X revised, 1941, 626 § 6.

SECT. 87Z amended, 1937, 385 § 5.

SECT. 87AA revised, 1941, 626 § 7.

SECT. 87BB amended, 1937, 385 § 6.

SECT. 87CC revised, 1941, 626 § 8.

SECT. 87EE revised, 1937, 385 § 7.

SECT. 87GG revised, 1941, 626 § 9.

SECT. 87II amended, 1937, 385 § 8; revised, 1941, 626 § 10.

SECT. 87JJ revised, 1941, 626 § 11.

SECT. 88, clause (3) amended, 1941, 626 § 13.

Chapter 113. — Promotion of Anatomical Science.

SECT. 1 amended, 1941, 351 § 7.

Chapter 114. — Cemeteries and Burials.

SECT. 1 amended, 1936, 319 § 1. (See 1936, 319 § 7.)

SECT. 6 amended, 1936, 319 § 2. (See 1936, 319 § 7.)

SECT. 7 revised, 1936, 319 § 3. (See 1936, 319 § 7.)

SECT. 8 revised, 1936, 319 § 4. (See 1936, 319 § 7.)

SECT. 9 amended, 1936, 319 § 5. (See 1936, 319 § 7.)

SECT. 25 amended, 1934, 85 § 1. (See 1934, 85 § 2.)

SECTS. 43A-43N added, under caption "MISCELLANEOUS PROVISIONS", 1936, 319 § 6 (relative to the ownership, maintenance and operation of cemeteries and crematories and to the disposal of dead human bodies). (See 1936, 319 § 7.)

SECT. 49 revised, 1936, 407 § 4; last paragraph amended, 1939, 160 § 3. (See 1936, 407 §§ 5-8.)

Chapter 115. — State and Military Aid, Soldiers' Relief, etc.

For legislation providing for payments for the benefit of soldiers and sailors serving in the present war, see 1942, 11.

SECT. 2A added, 1932, 113 (requiring the furnishing of information to the commissioner of state aid and pensions by certain banks and other depositories relative to certain deposits therein).

SECT. 7 amended, 1937, 273 § 1; revised, 1938, 316 § 1.

SECT. 12A added, 1933, 363 (making certain Massachusetts veterans receiving hospital treatment outside the commonwealth eligible to receive military aid).

SECT. 15 amended, 1932, 106.

SECT. 17, first paragraph amended, 1936, 77; 1939, 295; paragraph added, 1932, 63.

SECT. 18, sentence added at end of first paragraph, 1933, 323; paragraph added at end, 1932, 270.

SECT. 19 amended, 1932, 250; 1934, 336 § 1; 1937, 273 § 2; revised, 1938, 316 § 2.

SECT. 20 amended, 1932, 251; 1934, 336 § 2.

Chapter 116. — Settlement.

SECT. 2 revised, 1933, 213.

Chapter 117. — Support by Cities and Towns.

SECT. 1 amended, 1934, 124.

SECT. 2A added, 1933, 181 (authorizing local boards of public welfare to aid needy persons in the cultivation of vegetable gardens).

SECT. 3A added, 1937, 277 (protecting needy persons from the public view while applying for public relief and support).

SECT. 3B added, 1939, 127 (prohibiting local boards of public welfare from making the institution of ejectment proceedings a prerequisite to the payment by them of rent owed for dwellings by certain persons on welfare relief).

SECT. 5 amended, 1937, 125.

SECT. 6 revised, 1936, 108.

SECT. 6A added, 1938, 211 (preventing discrimination against certain persons with respect to the payment of welfare relief).

SECT. 13, new sentence added at end, 1941, 608.

SECT. 14 revised, 1937, 113; amended, 1938, 275; 1939, 39 § 1. (See 1939, 39 § 2.)

SECT. 16 repealed, 1936, 328.

SECT. 17 amended, 1939, 370; 1941, 351 § 8. (See 1939, 454 § 21.)

SECT. 18 amended, 1934, 45; 1938, 425; revised, 1941, 351 § 9. (See 1939, 454 § 21.)

SECT. 18A added, 1938, 465 (relative to the payment by cities and towns of the expense of the funeral and burial of certain poor and indigent persons).

SECT. 19, paragraph added at end, 1937, 86.

SECT. 21 amended, 1941, 196.

SECT. 24 revised, 1935, 164.

SECT. 35 amended, 1932, 180 § 19.

SECTS. 44-46 added, 1938, 476 (authorizing the establishment of public welfare districts in cities and towns).

Chapter 118. — Aid to Dependent Children (former title, Aid to Mothers with Dependent Children).

The following reference is to chapter 118, as appearing in the Tercentenary Edition:

SECT. 1 revised, 1935, 494 § 2. (See 1935, 494 § 1.)

Chapter stricken out and new chapter (with new title) inserted, 1936, 413 § 1. (See 1936, 413 § 2.)

The following references are to chapter 118, as inserted by 1936, 413 § 1:

SECT. 1 amended, 1939, 487.

SECT. 2 amended, 1941, 593 § 1.

SECT. 5 revised, 1941, 593 § 2.

SECT. 6 revised, 1941, 405. (See 1939, 454 § 21.)

SECT. 8 revised, 1939, 248.

Chapter 118A. — Adequate Assistance to Certain Aged Citizens.

The following references are to chapter 118A, as appearing in the Tercentenary Edition:

SECT. 1 amended, 1933, 219; revised, 1933, 328; amended, 1935, 494 § 3. (See 1934, 374 § 3 subsection 15; 1935, 494 § 1.)

SECT. 2A added, 1933, 285 (providing for appeals by persons aggrieved by failure of cities and towns to render old age assistance).

SECT. 3 revised, 1932, 259 § 3.

Chapter stricken out and new chapter 118A inserted, 1936, 436 § 1. (See 1936, 436 § 4.)

The following references are to chapter 118A, as inserted by 1936, 436 § 1:

SECT. 1 amended, 1937, 440 § 1; last sentence amended, 1938, 274; section revised, 1941, 729 § 1. (See 1941, 729 § 15.)

SECT. 2 revised, 1937, 440 § 2; amended, 1941, 597 § 1; revised, 1941, 729 § 2. (See 1941, 729 § 15.)

SECT. 2A added, 1941, 729 § 3 (relative to the liability of children to contribute to the support of aged parents). (See 1941, 729 § 15.)

SECT. 3 revised, 1937, 440 § 3; last sentence revised, 1938, 285; section revised, 1939, 481.

SECT. 4 amended, 1938, 467; amended, 1941, 729 § 4. (See 1941, 729 §§ 14, 15.)

SECT. 4A added, 1941, 729 § 5 (making a recipient of old age assistance liable to repay the same in certain cases). (See 1941, 729 § 15.)

SECT. 5 revised, 1938, 408; amended, 1941, 729 § 6. (See 1941, 729 § 15.)

SECT. 6A added, 1937, 165 (permitting recipients of old age assistance, so called, to leave the commonwealth without suspension of such assistance); amended, 1941, 729 § 7. (See 1941, 729 § 15.)

SECT. 8 amended, 1941, 729 § 8. (See 1939, 454 § 21; 1941, 729 § 15.)

SECT. 10 revised, 1941, 597 § 2.

SECT. 11 added, 1941, 729 § 10 (establishing the old age assistance fund). (See 1941, 729 §§ 9, 9A, 15.)

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 1 revised, 1941, 629 § 1.

SECT. 2 revised, 1941, 629 § 2.

SECT. 6 revised, 1941, 629 § 3.

SECT. 9 amended, 1941, 629 § 4.

SECT. 10 amended, 1941, 629 § 5.

SECT. 12 revised, 1932, 180 § 20.

SECT. 14 revised, 1941, 629 § 6.

SECT. 22 amended, 1941, 351 § 10.

SECT. 28 amended, 1941, 629 § 7.

SECT. 29 amended, 1941, 629 § 8.

SECT. 58, paragraph inserted after third paragraph, 1941, 264 § 1.

SECT. 58A amended, 1941, 194 § 6; revised, 1941, 327.

SECT. 59, second paragraph stricken out, 1941, 648 § 1.

SECT. 60 stricken out and new sections 60 and 60A inserted, 1938, 174 § 1 (relative to the use of information and records in cases of waywardness or delinquency).

SECT. 63 revised, 1932, 95 § 1.

SECT. 65 amended, 1932, 95 § 2.

SECT. 66 revised, 1941, 648 § 2.

SECT. 67 amended, 1941, 648 § 3.

SECT. 74 amended, 1933, 196 § 1.

SECT. 75 amended, 1933, 196 § 2.

Chapter 120. — Massachusetts Training Schools.

SECT. 21, first sentence amended, 1932, 180 § 21.

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

For legislation relative to the Federal Surplus Commodity Stamp Plan, so called, see 1941, 65, 92, 634; 1942, 9, 17.

SECT. 4A added, 1941, 630 § 3 (relative to information concerning recipients of old age assistance and aid to dependent children).

SECT. 6 amended, 1941, 351 § 11.

SECT. 7 amended, 1941, 351 § 12; revised, 1941, 404.

SECT. 8A added, 1935, 311 § 2 (relative to funds received by the director of the division of aid and relief for the benefit of persons under the care and supervision of the department); revised, 1941, 523.

SECT. 8B added, 1941, 618 (relative to the disposition of certain unclaimed moneys held by the division of child guardianship for the benefit of certain wards thereof).

SECT. 9 amended, 1941, 351 § 13.

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons).

SECT. 12 amended, 1941, 351 § 14.

SECT. 13 amended, 1941, 351 § 15.

SECT. 15 amended, 1941, 351 § 16.

SECT. 23 (and caption) amended, 1933, 364 § 2; section amended, 1935, 449 § 2; revised, 1935, 475 § 3. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3. (See 1933, 364 § 8.)

SECT. 24A added, 1935, 449 § 2A (authorizing the acceptance and use by the state board of housing of grants of federal funds).

SECT. 24B added, 1935, 485 § 1 (authorizing the state board of housing to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 25 revised, 1933, 364 § 4. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5; revised, 1935, 475 § 4; amended, 1936, 211 § 6. (See 1933, 364 § 8; 1936, 211 § 7.)

SECTS. 26A-26H added, 1933, 364 § 6 (relative to the powers and duties of the state board of housing, and to limited dividend corporations under its control.) (See 1933, 364 § 8.)

SECT. 26H revised, 1935, 449 § 3.

SECTS. 26I-26BB, under caption "HOUSING AUTHORITIES", added, 1935, 449 § 5 (relative to the establishment, powers and duties, and discontinuance, of local housing authorities); sections 26I-26BB stricken out and new sections 26I-26II inserted, 1938, 484 § 1 (to relate the Massachusetts Housing Authority Law to the United States Housing Act of 1937. (See 1938, 484 § 2; 1941, 269 § 2; 1941, 317.)

SECT. 26AA, clause (d) stricken out and new clauses (d) and (e) inserted, 1941, 269 § 1.

SECT. 26BB, amended, 1941, 291.

SECT. 26Q, subsection (c) added, 1935, 485 § 2 (authorizing local housing authorities to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 26DD revised, 1939, 26.

SECT. 27 repealed, 1933, 364 § 7.

SECT. 39 amended, 1941, 351 § 17.

SECT. 40 amended, 1941, 656 § 13. (See 1941, 656 § 17.)

SECT. 42 amended, 1932, 180 § 22; 1941, 406.

Chapter 122. — Tewksbury State Hospital and Infirmary (former title, State Infirmary).

Title revised, 1941, 351 § 18.

Name of State Infirmary changed to Tewksbury State Hospital and Infirmary, 1939, 272 § 1.

SECT. 1 amended, 1941, 351 § 19; revised, 1941, 596 § 25.

SECT. 2 amended, 1941, 351 § 20.

SECT. 2A amended, 1941, 351 § 21.

SECTS. 2B-2E added, 1936, 295 (relative to Patients' Funds at the state infirmary and the disposition of unclaimed property and moneys represented by bank books belonging to former patients).

SECT. 2B amended, 1941, 351 § 22.

SECT. 2C amended, 1941, 351 § 23.

SECT. 2D revised, 1941, 351 § 24.

SECT. 2E revised, 1941, 351 § 25.

SECT. 3 amended, 1941, 351 § 26.

SECT. 4 amended, 1941, 351 § 27.

SECT. 5 amended, 1941, 351 § 28.

SECT. 6 amended, 1933, 345; 1941, 351 § 29.

SECT. 8 amended, 1941, 351 § 30.

SECT. 10 amended, 1941, 351 § 31.

SECT. 13 amended, 1941, 351 § 32.

SECT. 14 amended, 1941, 351 § 33.

SECT. 15 amended, 1936, 325; 1941, 351 § 34.

SECT. 16 amended, 1941, 351 § 35.

SECT. 17 amended, 1941, 351 § 36.

SECT. 18 amended, 1936, 378; 1941, 351 § 37; revised, 1941, 412. (See 1939, 454 § 21.)

SECT. 20 amended, 1941, 351 § 38.

SECT. 20A added, 1941, 201 (penalizing the unlawful possession, handling or consumption of certain things by inmates of said hospital and infirmary).

SECT. 23 amended, 1941, 351 § 39.

SECT. 24 revised, 1941, 191.

Chapter 123. — Commitment and Care of the Insane and Other Mental Defectives.

For legislation relative to the establishment of the Norfolk state hospital for the care of the criminal insane, see 1935, 421; 1939, 485; 1941, 194 §§ 20, 21, 722 §§ 12, 13.

SECT. 1, definition of "commissioner" and "department" revised, 1938, 486 § 7. (See 1938, 486 §§ 1, 21, 22.)

SECT. 4 revised, 1938, 486 § 8. (See 1938, 486 §§ 21, 22.)

SECT. 8A added, 1935, 301 (providing for co-operation between the departments of mental diseases and public works relative to roads at state hospitals).

SECT. 10 amended, 1941, 490 § 25.

SECT. 13 revised, 1936, 286.

SECT. 15 amended, 1941, 656 § 14. (See 1941, 656 § 17.)

SECT. 16 revised, 1938, 486 § 9; amended, 1939, 500 § 1. (See 1938, 486 §§ 21, 22.)

SECT. 16A amended, 1938, 486 § 10. (See 1938, 486 §§ 21, 22.)

SECT. 19 repealed, 1935, 163.

SECT. 22 revised, 1941, 351 § 40, 706.

SECT. 22A amended, 1941, 194 § 7.

SECT. 25 amended, 1935, 314 § 3, 421 § 4. (See 1935, 421 § 6.)

- SECT. 26 repealed, 1938, 486 § 11.
- SECT. 28 revised, 1938, 486 § 12. (See 1938, 486 §§ 20-22.)
- SECT. 29 revised, 1938, 486 § 13. (See 1938, 486 §§ 21, 22.)
- SECT. 30 revised, 1938, 486 § 14. (See 1938, 486 §§ 21, 22.)
- SECT. 31 revised, 1938, 486 § 15. (See 1938, 486 §§ 21, 22.)
- SECT. 32 revised, 1933, 115; 1938, 486 § 16. (See 1938, 486 §§ 21, 22.)
- SECT. 36 revised, 1939, 500 § 12.
- SECT. 39, sentence added at end, 1936, 291 § 1.
- SECT. 39A amended, 1936, 291 § 2.
- SECT. 39B added, 1932, 204 (relative to the disposition of unclaimed belongings at certain state hospitals, known as "patients' valuables"); revised, 1936, 291 § 3.
- SECT. 39C added, 1933, 256 (relative to the disposition of moneys represented by certain bank books belonging to former patients of certain state hospitals); revised, 1936, 291 § 4.
- SECT. 40 amended, 1939, 500 § 13.
- SECT. 43 repealed, 1939, 500 § 2.
- SECT. 45 amended, 1938, 486 § 17. (See 1938, 486 §§ 21, 22.)
- SECT. 46 amended, 1938, 486 § 18. (See 1938, 486 §§ 21, 22.)
- SECT. 47 revised, 1938, 486 § 19. (See 1938, 486 §§ 21, 22.)
- SECT. 50 revised, 1935, 314 § 4.
- SECT. 52 amended, 1932, 85.
- SECT. 53 revised, 1941, 645 § 1.
- SECT. 56 repealed, 1939, 500 § 4.
- SECT. 62 amended, 1941, 655 § 1.
- SECT. 66, paragraph added at end, 1939, 500 § 6.
- SECT. 66A amended, 1941, 194 § 8.
- SECT. 77, first sentence amended, 1935, 314 § 5; section revised, 1939, 500 § 5.
- SECT. 78, first sentence revised, 1935, 314 § 6.
- SECT. 79, first sentence revised, 1935, 314 § 7; section revised, 1939, 500 § 7; amended, 1941, 216 § 1; revised, 1941, 645 § 2.
- SECT. 80 amended, 1939, 500 § 8.
- SECT. 82 amended, 1939, 500 § 9.
- SECT. 84 revised, 1941, 481; amended, 1941, 490 § 26; revised, 1941, 722 § 10.
- SECT. 86 amended, 1935, 314 § 8; revised, 1939, 500 § 10.
- SECT. 87 amended, 1939, 500 § 11.
- SECT. 89 revised, 1941, 216 § 3.
- SECT. 89A amended, 1941, 194 § 9.
- SECT. 89B amended, 1938, 254 § 1; 1941, 194 § 10.
- SECT. 90, first sentence amended, 1932, 180 § 23.
- SECT. 96 amended, 1941, 351 § 41; third paragraph revised, 1941, 398.
- SECT. 100A amended, 1941, 194 § 11.
- SECT. 102 revised, 1934, 15; paragraph added at end, 1938, 226; section amended, 1941, 344 § 3.
- SECT. 105 revised, 1936, 130; last paragraph amended, 1939, 54; 1941, 216 § 2.
- SECT. 110 amended, 1937, 136.
- SECT. 113 amended, 1941, 194 § 12.
- SECT. 117 amended, 1941, 655 § 2.

SECT. 117A added, 1936, 32 (providing in certain cases for the return to penal institutions of prisoners removed therefrom to departments for defective delinquents).

SECT. 118 revised, 1938, 254 § 2.

SECT. 119 revised, 1938, 254 § 3.

Chapter 124. — Powers and Duties of the Department of Correction.

SECT. 1 amended, 1939, 451 § 38; 1941, 344 § 4.

SECT. 5 amended, 1941, 344 § 5.

SECT. 6 amended, 1936, 23 § 2; 1939, 451 § 39.

SECT. 7 amended, 1939, 451 § 40.

SECT. 8 amended, 1935, 48 § 1. (See 1935, 48 § 2.)

Chapter 125. — Penal and Reformatory Institutions of the Commonwealth.

SECT. 2 amended, 1941, 344 § 6.

SECT. 3 amended, 1941, 344 § 7.

SECT. 4 amended, 1932, 282 § 3; 1941, 344 § 8.

SECT. 4A added, 1939, 360 § 1 (changing the minimum age requirement for appointment of correction officers at certain state penal and reformatory institutions). (See 1939, 238 § 50.)

SECT. 10 revised, 1937, 20 § 1. (See 1937, 20 § 2.)

SECT. 11 amended, 1935, 437 § 1. (See 1935, 437 § 8.)

SECT. 13 amended, 1936, 276; 1939, 360 § 2.

SECT. 30 amended, 1932, 180 § 24.

SECTS. 39-41 (and heading before said section 39) repealed, 1941, 344 § 9.

SECT. 46 repealed, 1941, 596 § 26.

SECT. 49 revised, 1936, 125.

Chapter 126. — Jails, Houses of Correction and Reformation, and County Industrial Farms.

SECT. 16 revised, 1937, 219 § 6.

SECT. 37 amended, 1936, 228.

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

For legislation providing for the disposition of certain prisoners confined in the prison camp and hospital prior to its discontinuance, see 1935, 111.

SECT. 1 revised, 1941, 490 § 27.

SECT. 2 amended, 1941, 344 § 10.

SECT. 10 amended, 1936, 23 § 3; 1941, 656 § 15. (See 1941, 656 § 17.)

SECT. 11 revised, 1941, 344 § 11.

SECT. 12 amended, 1941, 344 § 12.

SECT. 14 amended, 1939, 200.

SECT. 16, last sentence stricken out, 1933, 77 § 1; section amended, 1941, 344 § 13.

SECT. 17 revised, 1933, 77 § 2.

SECT. 18 amended, 1933, 77 § 3.

SECT. 23 amended, 1941, 69.

SECT. 35 amended, 1941, 344 § 14.

SECT. 36 revised, 1941, 237 § 1.

SECT. 37 revised, 1941, 237 § 2.

SECT. 50 revised, 1941, 344 § 15.

SECT. 51 amended, 1941, 344 § 16.

SECT. 67A added, 1932, 252 § 1 (regulating the sale of prison made goods). (See 1932, 252 § 2.)

SECT. 71 revised, 1941, 344 § 17.

SECT. 72 amended, 1941, 344 § 18; revised, 1941, 436 § 1. (See 1941, 436 § 2.)

SECT. 78 and sections 79-82 (and heading preceding said section 79) repealed, 1941, 344 § 19.

SECT. 84 amended, 1941, 490 § 28.

SECT. 87 amended, 1941, 344 § 20.

SECT. 90A revised, 1938, 65.

SECT. 96 amended, 1941, 351 § 42.

SECTS 96A and 96B added, 1936, 383 (providing for the disposition of unclaimed money and property of former prisoners).

SECT. 109 repealed, 1941, 344 § 21.

SECT. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison). (See 1935, 113 § 2.)

SECT. 111A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction).

SECT. 117 revised, 1941, 510 § 1.

SECT. 118 revised, 1938, 456; amended, 1941, 351 § 43; revised, 1941, 510 § 2.

SECT. 123 amended, 1941, 510 § 3.

SECT. 127 amended, 1938, 71; 1941, 70; 1941, 690 § 5A. (See 1941, 690 §§ 8-10.)

SECT. 128 amended, 1939, 451 § 41; revised, 1941, 690 § 1. (See 1941, 690 §§ 8-10.)

SECT. 129 revised, 1937, 399 § 2. (See 1937, 399 §§ 3-6.)

SECTS. 129-139 stricken out and new sections 129-136 and 136A inserted, 1941, 690 § 2. (See 1941, 690 §§ 8-10.)

SECT. 130 revised, 1938, 264 § 1; amended, 1941, 277. (See 1938, 264 § 2.)

SECT. 131 amended, 1939, 451 § 42.

SECT. 132 amended, 1939, 451 § 43.

SECT. 133 revised, 1933, 134 § 1; amended, 1939, 451 § 44. (See 1933, 134 § 2.)

SECT. 135 amended, 1939, 451 § 45.

SECT. 136 amended, 1939, 451 § 46.

SECT. 137 amended, 1939, 451 § 47; repealed, 1941, 344 § 22.

SECT. 137A amended, 1939, 451 § 48.

SECT. 138 amended, 1939, 451 § 49.

SECT. 139 amended, 1939, 451 § 50; revised, 1941, 344 § 23.

SECT. 141 amended, 1941, 174 § 1.

SECT. 146 revised, 1932, 221 § 1.

SECT. 149 amended, 1939, 451 § 51; revised, 1941, 174 § 2; amended, 1941, 690 § 3. (See 1941, 690 §§ 8-10.)

SECT. 151, last sentence amended, 1932, 180 § 25.

SECTS. 151A–151G added, under the heading “INTERSTATE SUPERVISION OF PROBATIONERS AND PAROLEES”, 1937, 307 § 1 (providing for the entry of this commonwealth into compacts with any of the United States for mutual helpfulness in relation to persons convicted of crimes or offences who are on probation or parole). (See 1937, 307 § 2.)

SECT. 152 revised, 1939, 479; fourth paragraph amended, 1941, 297.

SECT. 154 amended, 1939, 451 § 52; revised, 1941, 690 § 4. (See 1941, 690 §§ 8–10.)

SECT. 154A added, 1935, 225 (requiring consideration by the advisory board of pardons of the cases of certain life prisoners on the question of extending clemency); amended, 1939, 451 § 53.

SECT. 158 revised, 1941, 344 § 24.

SECT. 160 revised, 1941, 344 § 25.

SECTS. 166–169 added, 1939, 484 (regulating the payment or receipt of money or other rewards or gratuities for the purpose of obtaining the granting of any pardon, parole, or commutation of or respite from sentence).

SECTS. 166 and 167 revised, 1941, 690 § 5. (See 1941, 690 §§ 8–10.)

Chapter 128. — Agriculture.

SECT. 1 amended, 1941, 490 § 29.

SECT. 2, paragraph (a) revised, 1941, 490 § 30; paragraph (f) amended, 1937, 415 § 1; 1938, 230; paragraph (g) added, 1933, 291 § 1; same paragraph repealed, 1941, 598 § 3.

SECT. 6 amended, 1933, 291 § 2; 1941, 598 § 4.

SECT. 10 amended, 1934, 340 § 10. (See 1934, 340 § 18.)

SECT. 13 amended, 1934, 340 § 11. (See 1934, 340 § 18.)

SECTS. 16–31A affected, 1939, 405.

SECT. 16 amended, 1941, 490 § 32.

SECT. 22 amended, 1941, 490 § 33.

SECT. 23 amended, 1941, 490 § 34.

SECT. 24A added, 1939, 136 (providing for the control of the dutch elm disease).

SECT. 27 revised, 1938, 309.

SECT. 39 repealed, 1933, 74 § 2.

SECT. 42 revised, 1932, 166.

Chapter 128A. — Horse and Dog Racing Meetings.

New chapter inserted, 1934, 374 § 3.

SECT. 3, first paragraph revised, 1935, 454 § 2; clause (c) amended, 1941, 382; clause (e) revised, 1939, 505 § 1; clause (f) amended, 1935, 454 § 3; clause (h) amended, 1935, 454 § 4; clause (i) revised, 1939, 505 § 2; clause (n) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the pari-mutuel system of betting, on publicly owned premises); clause (n) added, 1935, 471 § 1 (forbidding the licensed racing of dogs under such system, in certain residential neighborhoods); designation of the clause added by 1935, 471 § 1 changed from (n) to (o), 1936, 405 § 3. (See 1935, 471 § 2; 1939, 505 § 3.)

SECT. 4, last paragraph revised, 1939, 356.

SECT. 5, first paragraph revised, 1935, 454 § 1; second and third paragraphs revised, 1936, 351; third paragraph revised, 1939, 473; last paragraph amended, 1939, 497.

SECT. 9, last paragraph revised, 1935, 454 § 5.

SECT. 9A added, 1935, 454 § 6 (relative to rules, regulations and conditions to be prescribed by the state racing commission).

SECT. 10 revised, 1936, 268.

SECT. 13 amended, 1935, 454 § 7.

SECT. 13A added, 1935, 454 § 8 (relative to the application of certain laws as to betting and certain local requirements as to race tracks and public amusements, in the case of racing meetings under this chapter); revised, 1939, 159; amended, 1941, 295. (See 1935, 471 § 2.)

SECT. 13B added, 1937, 322 (prohibiting and penalizing the use of drugs for the purpose of affecting the speed of horses at horse racing meetings).

SECT. 14 revised, 1935, 279 § 2; 1936, 253 § 2; amended, 1938, 282. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14A added, 1935, 279 § 1 (providing for the resubmission to the voters of the several counties of the question of licensing dog races at which the pari-mutuel system of betting shall be permitted); repealed, 1936, 253 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 15 revised, 1936, 436 § 2; 1941, 729 § 12. (See 1936, 436 § 4; 1941, 729 § 15.)

Chapter 129. — Livestock Disease Control (former title, Animal Industry).

Title of chapter changed, 1941, 490 § 35.

SECT. 1 revised, 1934, 340 § 12; paragraph (defining "Domestic animals") added, 1935, 70. (See 1934, 340 § 18.)

SECT. 8A added, 1941, 375 (establishing a scale of fees for the inoculation of swine against hog cholera).

SECT. 10 amended, 1934, 340 § 13. (See 1934, 340 § 18.)

SECT. 15 revised, 1941, 162.

SECT. 26A revised, 1938, 168; amended, 1941, 173.

SECT. 29 amended, 1938, 308.

SECT. 32 amended, 1939, 451 § 54.

SECT. 33 amended, 1934, 272.

SECT. 33B revised, 1934, 96.

SECT. 36A added, 1935, 426 (providing for the licensing of certain dealers in bovine animals); repealed, 1941, 607 § 2.

SECT. 36B added, 1938, 314 (providing for the vaccination of certain cattle to curtail the spread of Bang's disease, so called).

SECT. 36C added, 1938, 386 (regulating the transportation of neat cattle); repealed, 1941, 607 § 2.

SECT. 38 revised, 1934, 340 § 14. (See 1934, 340 § 18.)

SECTS. 39-43 added, 1941, 607 § 1 (to further regulate the dealing in and transportation of bovine animals and to prevent the spread of disease among such animals).

Chapter 129A. — Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

New chapter inserted, 1933, 329 § 1.

SECT. 1, definition of "Warden" revised, 1937, 413 § 2; definitions of "Coastal Warden", "Deputy Coastal Warden" and "Supervisor", revised, 1939, 491 § 11. (See 1937, 413 §§ 3, 4; 1939, 491 § 12.)

SECT. 10, sentence added at end, 1941, 171.

Chapter 129A repealed in part, 1941, 598 § 7; entirely repealed, 1941, 599 § 1. (See 1941, 598 § 9, 599 § 7.)

Chapter 130. — Marine Fish and Fisheries (former title, Marine Fish and Fisheries, including Crustacea and Shellfish).

The following reference is to chapter 130, as appearing in the Tercenary Edition:

SECT. 48A added, 1933, 118 (prohibiting the taking of certain herring or alewives from the waters of Plymouth harbor, Kingston bay, Duxbury bay and certain waters of Plymouth bay).

Chapter stricken out, and new chapter 130 (with new title) inserted, 1933, 329 § 2.

The following references are to chapter 130 as so inserted:

SECT. 3A added, 1935, 324 (providing for state aid to coastal cities and towns in conserving and increasing the supply of shellfish and in exterminating the enemies thereof).

SECT. 6B added, 1934, 115 § 1 (providing for the filing with the supervisor of marine fisheries of copies of rules and regulations made by cities and towns under the marine fisheries laws, and for notifying him of permits and licenses issued under said laws). (See 1934, 115 § 2.)

SECT. 11A added, 1941, 172 (penalizing the taking of certain herring or alewives from the waters of Plymouth Harbor, Kingston Bay, Duxbury Bay and certain waters of Plymouth Bay).

SECT. 23 amended, 1937, 168.

SECTS. 27A and 27B added, 1939, 385 § 1 (relative to the establishment and maintenance of a plant for the propagation of lobsters). (See 1939, 385 § 2.)

SECT. 41A added, 1937, 121 (prohibiting, during certain months of the year, the taking of edible crabs from the waters of the commonwealth).

SECT. 48, first paragraph amended, 1935, 110.

SECT. 73 amended, 1935, 117.

SECTS. 77, 78, 79 revised, 1937, 246.

SECT. 84A added, 1934, 129 (regulating the disposition of starfish caught in or taken from the coastal waters of the commonwealth).

Chapter stricken out, and new chapter 130 (with new title) inserted, 1941, 598 § 1. (See 1941, 598 § 9.)

Chapter 131. — Powers and Duties of the Division of Fisheries and Game (former title, Game and Inland Fisheries).

The following references are to chapter 131, as appearing in the Tercenary Edition:

Title amended, 1933, 329 § 14.

SECTS. 1-4 repealed, 1933, 329 § 20.

SECT. 5 amended, 1932, 272 § 1; 1933, 214 § 1; 1937, 191 § 1.

SECT. 6 revised, 1932, 272 § 2.

SECT. 7 revised, 1932, 272 § 3.

SECT. 8 revised, 1932, 272 § 4; new paragraph added (summer three-day fishing license), 1934, 156; same paragraph revised, 1938, 121 § 1. (See 1938, 121 § 2.)

SECT. 8A added, 1933, 214 § 2 (establishing special fox hunting licenses for non-resident members and guests of clubs or associations conducting fox hunts).

SECT. 8B added, 1937, 191 § 2 (authorizing the issuance to certain officials of certain other states of complimentary certificates entitling them to hunt and fish in this commonwealth).

SECTS. 9-11 repealed, 1933, 329 § 20.

SECT. 12 amended, 1932, 272 § 5; revised, 1933, 214 § 3.

SECT. 13 revised, 1933, 329 § 15.

SECT. 13A added, 1941, 159 § 1 (imposing a penalty for carrying firearms, while intoxicated, in places where hunting is permitted). (See 1941, 159 § 2.)

SECTS. 14-24 repealed, 1933, 329 § 20.

SECT. 24A added, 1932, 78 (relative to the establishment in certain brooks and streams of breeding areas for fish).

SECT. 25, paragraph added at end, 1934, 33.

SECTS. 27-34 repealed, 1933, 329 § 20.

SECT. 42 repealed, 1933, 329 § 20.

SECT. 43A added, 1936, 294 (relative to fishing in ponds situated partly in the commonwealth and partly in another state).

SECT. 44 revised, 1933, 329 § 16.

SECT. 45, sentence added at end, 1932, 77.

SECT. 48 revised, 1936, 69.

SECT. 49 amended, 1933, 329 § 17.

SECT. 49A added, 1937, 123 (establishing a close season for fish with respect to which no close season is otherwise established by law).

SECTS. 52-55 repealed, 1933, 329 § 20.

SECT. 56 amended, 1934, 51.

SECT. 57 amended, 1934, 149; 1936, 425 § 1; 1937, 116.

SECT. 59 revised, 1936, 425 § 2; 1937, 269.

SECT. 61A added, 1933, 329 § 18 (regulating the taking of smelt in great ponds).

SECT. 66 amended, 1934, 40.

SECT. 68 revised, 1935, 120.

SECT. 73A added, 1935, 98 (authorizing the use of certain traps for the purpose of catching fish bait in the inland waters of the commonwealth).

SECT. 74 revised, 1932, 272 § 6.

SECT. 77 revised, 1933, 154.

SECT. 83 revised, 1935, 107.

SECT. 85 amended, 1932, 28; 1935, 13; 1937, 167.

SECT. 86A added, 1932, 60 (authorizing the director of fisheries and game to suspend or modify the open season or bag limit as to ruffed grouse and quail).

SECT. 87A added, 1933, 122 (relative to the taking or killing of waterfowl and other migratory birds in certain cases).

SECT. 92 amended, 1932, 52.

SECT. 94 amended, 1934, 183; 1937, 172; revised, 1937, 316.

SECT. 97 revised, 1934, 70; amended, 1936, 13.

SECT. 99 amended, 1932, 180 § 26.

SECT. 100A added, 1932, 82 (prohibiting the hunting of beavers).

SECT. 103 revised, 1938, 301.

SECT. 104 revised, 1933, 192 § 1; 1937, 324; amended, 1941, 175.

SECT. 104A added, 1939, 462 (restricting the carrying of certain firearms in motor vehicles in areas used for hunting).

SECT. 105A revised, 1933, 203; repealed, 1934, 275 § 2.

SECTS. 105B and 105C added, 1934, 275 § 1 (regulating the use of traps and other devices for the capture of fur-bearing animals and providing for local option thereon). (See 1934, 275 § 4.)

SECT. 109 revised, 1932, 264; 1933, 192 § 2; amended, 1935, 5 § 1; 1936, 21 § 1, 138 § 1; 1937, 89 § 1, 243 § 1.

SECT. 112 revised, 1933, 192 § 3; amended, 1935, 5 § 2; 1936, 21 § 2, 138 § 2; 1937, 243 § 2.

SECT. 114 revised, 1937, 89 § 2; last paragraph amended, 1937, 372 § 1.

SECT. 114A added, 1934, 275 § 3 (authorizing the commissioner of conservation to temporarily suspend, within certain specified territory, the provisions of section 105B).

SECT. 124 amended, 1937, 229.

SECT. 135 revised, 1932, 81, 272 § 7.

SECT. 137 added, 1933, 329 § 19 (relative to the protection of salmon fry in the Merrimack river).

Chapter stricken out, and new chapter 131 (with new title) inserted, 1941, 599 § 2. (See 1941, 599 §§ 5-7.)

The following references are to chapter 131 as so inserted:

SECT. 1, definition of "Birds" revised, 1941, 663 § 1; definition of "Mammals" revised, 1941, 663 § 2. (See 1941, 663 § 3.)

Chapter 132. — Forestry.

SECT. 1 amended, 1937, 415 § 2; 1941, 490 § 36.

SECT. 5 repealed, 1932, 180 § 27.

SECT. 6 revised, 1941, 455.

SECT. 11 revised, 1937, 415 § 3.

SECT. 12 amended, 1937, 415 § 4.

SECT. 13 revised, 1935, 87; amended, 1937, 415 § 5.

SECT. 14 revised, 1937, 415 § 6.

SECT. 17 amended, 1937, 415 § 6A.

SECT. 18 amended, 1937, 415 § 6B.

SECT. 22 amended, 1937, 415 § 7.

SECT. 25 revised, 1937, 415 § 8.

SECT. 26 amended, 1937, 415 § 9.

SECT. 27 amended, 1937, 415 § 10.

SECT. 28 amended, 1937, 415 § 11.

SECT. 33 amended, 1935, 373; 1936, 415 § 1. (See 1936, 415 § 3.)

SECT. 34, new paragraph added at end, 1935, 233.

SECT. 36 revised, 1936, 415 § 2. (See 1936, 415 § 3.)

Chapter 132A. — State Parks and Reservations Outside of the Metropolitan Parks District.

SECT. 2 amended, 1941, 490 § 37.

SECT. 7 revised, 1941, 722 § 11.

SECT. 9 amended, 1933, 75 § 4.

Chapter 135. — Unclaimed and Abandoned Property.

SECT. 8 amended, 1938, 98 § 1.

SECT. 9 amended, 1938, 98 § 3.

SECT. 11 amended, 1938, 98 § 2.

Chapter 136. — Observance of the Lord's Day.

SECT. 2 amended, 1933, 150 § 1; 1934, 63; 1935, 78.

SECT. 4A added, 1933, 150 § 2 (relative to the licensing of certain enterprises to be held on the Lord's day at amusement parks and beach resorts); revised, 1933, 309 § 1. (See 1933, 309 § 2.)

SECT. 6, second and third paragraphs amended, 1934, 328 § 7; fourth paragraph amended, 1932, 96; 1934, 354; 1938, 143; paragraph added at end, 1933, 150 § 3; section revised, 1934, 373 § 6; third paragraph amended, 1936, 129; 1937, 286.

SECT. 7 amended, 1934, 328 § 8; revised, 1934, 373 § 7.

SECT. 8 amended, 1937, 124.

SECT. 13 amended, 1932, 105.

SECT. 17, sentence added at end, 1933, 150 § 4; section amended, 1934, 55; revised, 1938, 60.

SECT. 21 revised, 1935, 104, 169.

SECT. 22. See 1933, 136; 1935, 49.

Chapter 138. — Alcoholic Liquors (Old Title, Intoxicating Liquors and Certain Non-Intoxicating Beverages).

Beer bill, so called, 1933, 120 (amended by 1933, 216, 234, 346). (See also 1933, Res. 47.)

Act providing for a convention to act upon a proposed amendment to the constitution of the United States relative to the repeal of the eighteenth amendment, 1933, 132.

The following references are to chapter 138, as appearing in the Tercenary Edition:

SECT. 1, paragraph in lines 4-7 amended, 1933, 97 § 1. (See 1933, 97 § 3, 346 § 9.)

SECT. 2 affected, 1933, 120 § 53.

SECT. 3 amended, 1933, 97 § 2. (See 1933, 97 § 3, 346 § 9.)

Chapter stricken out, and new chapter 138 inserted, 1933, 376 § 2.

The following references are to the new chapter 138:

SECT. 1, new paragraph (definition of "Alcohol") added, 1935, 440 § 1; definition of "Restaurant" amended, 1936, 368 § 1; eighth paragraph (definition of "Club"), revised, 1934, 385 § 1; definition of "Tavern" amended, 1934, 121 § 1; 1935, 253 § 1; definition of "Wines" revised, 1941, 637 § 1. (See 1941, 637 § 3.)

SECT. 2 revised, 1934, 305, 372 § 4; 1935, 440 § 2; first sentence revised, 1939, 470 § 1.

SECT. 3 amended, 1935, 440 § 3.

SECT. 4 amended, 1934, 385 § 2.

SECT. 7 amended, 1935, 440 § 4.

SECT. 10 amended, 1935, 440 § 5.

SECT. 10B added, 1934, 370 § 11 (authorizing the alcoholic beverages control commission to remove a member of a local licensing board under certain conditions).

SECT. 11 revised, 1936, 207 § 1. (See 1935, 281.)

SECT. 11A, first paragraph amended, 1934, 142 § 1; paragraph inserted, 1934, 142 § 2; paragraph added at end, 1934, 142 § 3; section revised, 1934, 211 § 1; last paragraph stricken out, 1935, 440 § 6. (See 1934, 142 § 4, 211 § 2.)

SECT. 12, first paragraph amended, 1934, 121 § 2; last sentence of first paragraph revised, 1934, 370 § 1; second paragraph amended, 1934, 121 § 2; sentence contained in lines 42-53 revised, 1934, 370 § 2; section revised, 1934, 385 § 3; first paragraph amended, 1935, 253 § 2; revised, 1935, 440 § 7; new paragraph inserted after first paragraph, 1935, 253 § 3; proviso contained in lines 46-48 stricken out, 1935, 253 § 4; third paragraph revised, 1935, 440 § 8; next to last paragraph stricken out, 1935, 440 § 9; section revised, 1935, 468 § 1; first paragraph amended, 1936, 207 § 2; last sentence of first paragraph stricken out and new paragraph inserted, 1937, 331; second paragraph revised, 1936, 368 § 2; paragraph added at end, 1937, 264.

SECT. 13, last two sentences stricken out, 1934, 385 § 4; section revised, 1935, 440 § 10.

SECT. 14 amended, 1934, 370 § 3; paragraph added at end, 1935, 440 § 11.

SECT. 15, first paragraph amended, 1934, 385 § 5; revised, 1935, 440 § 12; last paragraph revised, 1934, 370 § 4; last sentence revised, 1936, 225 § 1; second paragraph revised, 1938, 353.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses); revised, 1935, 440 § 13; 1939, 414.

SECT. 16 revised, 1936, 368 § 3.

SECT. 16A revised, 1934, 385 § 6; 1937, 424 § 1.

SECT. 16B revised, 1935, 440 § 14; paragraph added at end, 1937, 291; section revised, 1937, 424 § 2; second paragraph revised, 1939, 92.

SECT. 17, second proviso of first paragraph amended, 1934, 385 § 7; first paragraph amended, 1935, 81; last paragraph revised, 1934, 83; section revised, 1935, 440 § 15; first paragraph amended, 1936, 136, 245; 1937, 14 § 1; second paragraph revised, 1936, 199; paragraph added after the second paragraph, 1936, 368 § 4; section revised, 1937, 424 § 3; paragraph in lines 106-118 revised, 1939, 263; paragraph in lines 119-122 revised, 1941, 522. (See 1937, 14 § 2.)

SECT. 18, first paragraph revised, 1935, 440 § 16; two paragraphs added, 1934, 385 § 8.

SECT. 18A added, under caption "SELLING AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS", 1934, 312; first paragraph revised, 1935, 440 § 17.

SECT. 19, first paragraph revised, 1935, 440 § 18; second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10; 1935, 440 § 19; paragraph added at end, 1936, 368 § 5.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of sales-

men for manufacturers and for wholesalers and importers); revised, 1935, 440 § 20.

SECT. 20 revised, 1934, 385 § 12; first paragraph amended, 1936, 368 § 6; paragraph inserted, 1936, 368 § 7.

SECT. 20A added, 1937, 424 § 4 (relative to granting permits to public warehousemen to store and warehouse alcoholic beverages).

SECT. 21 revised, 1934, 385 § 13; first paragraph amended, 1935, 440 § 21; first six paragraphs revised, 1936, 411 § 1; 1939, 367 § 1; third paragraph stricken out and two new paragraphs inserted, 1941, 637 § 2; paragraph amended, 1936, 368 § 8; paragraph added at end, 1939, 394; next to the last paragraph revised, 1939, 451 § 55. [Temporary additional excise, 1939, 434; 1941, 339.] (See 1936, 411 § 2; 1939, 367 § 2; 1941, 637 § 3.)

SECT. 22 revised, 1934, 385 § 14; 1935, 440 § 22; fourth and fifth paragraphs stricken out and new paragraph inserted, 1937, 418.

SECT. 22A added, 1934, 385 § 15 (providing for the granting by the alcoholic beverages control commission in certain cases of permits to sell alcoholic beverages).

SECT. 23, sentence added at end of fourth paragraph, 1934, 370 § 6; last paragraph amended, 1934, 245; section revised, 1934, 385 § 16; fifth paragraph amended, 1935, 253 § 5; last four paragraphs stricken out, and five new paragraphs inserted, 1935, 440 § 23; second of the paragraphs so inserted revised, 1941, 578; fourth paragraph revised, 1938, 238; sentence added at end of next to last paragraph, 1939, 470 § 2.

SECT. 24, first sentence amended, 1934, 232.

SECT. 26, first paragraph amended, 1935, 440 § 24.

SECT. 27 revised, 1934, 301 § 1; amended, 1934, 385 § 23; revised, 1935, 442; amended, 1936, 436 § 3; revised, 1936, 438; 1941, 729 § 13. (See 1936, 436 § 4; 1941, 729 § 15.)

SECT. 28 amended, 1934, 112.

SECT. 29 revised, 1935, 440 § 25.

SECT. 30 amended, 1935, 83 § 1. (See 1935, 83 § 2.)

SECT. 30A revised, 1934, 370 § 7; 1935, 440 § 26.

SECT. 30B amended, 1935, 440 § 27; paragraph added at end, 1936, 368 § 9.

SECT. 30D amended, 1935, 440 § 28.

SECT. 30E, first paragraph amended, 1935, 440 § 29.

SECT. 30F revised, 1935, 440 § 30.

SECT. 30G amended, 1935, 440 § 31.

SECT. 30H added, 1935, 440 § 32 (possession or transportation of alcoholic beverages or alcohol under certain circumstances deemed prima facie evidence of violation of law).

SECT. 31 amended, 1935, 440 § 33; revised, 1936, 368 § 10.

SECT. 32 amended, 1934, 370 § 8.

SECT. 33 revised, 1934, 370 § 9; amended, 1935, 468 § 2; last sentence revised, 1936, 225 § 2; section amended, 1937, 268; 1941, 356.

SECT. 34 amended, 1935, 440 § 34; revised, 1936, 171; 1937, 424 § 5.

SECT. 34A added, 1935, 146 (relative to procuring by false representation sales or delivery of alcoholic beverages to minors); revised, 1935, 440 § 35.

SECT. 36 amended, 1934, 385 § 17.

SECT. 37 revised, 1934, 385 § 18.

SECT. 38 amended, 1941, 199. ■■

SECTS. 42-55 affected, 1935, 440 § 36.

SECT. 42, paragraph added at end, 1935, 440 § 36.

SECT. 46 amended, 1934, 370 § 10; 1935, 440 § 37.

SECT. 56 revised, 1935, 440 § 38; 1936, 368 § 11.

SECT. 57 revised, 1936, 368 § 12.

SECT. 62 amended, 1935, 440 § 39.

SECT. 63, first sentence revised, 1934, 385 § 19; section revised, 1935, 440 § 40; 1936, 368 § 13.

SECT. 63A revised, 1935, 440 § 41.

SECT. 64 revised, 1934, 385 § 20.

SECT. 67 amended, 1934, 385 § 21; revised, 1935, 440 § 42; amended, 1938, 400.

SECT. 70 revised, 1934, 301 § 2.

SECTS. 72-75 repealed, 1934, 372 § 1.

SECT. 76 revised, 1934, 372 § 2; next to last sentence revised, 1934, 385 § 22; section revised, 1935, 440 § 43.

Chapter 139. — Common Nuisances.

SECT. 14, caption amended, 1934, 328 § 9; section amended, 1934, 328 § 10.

SECT. 16 amended, 1934, 328 § 11.

SECT. 16A amended, 1934, 328 § 12.

SECT. 17 repealed, 1934, 328 § 13.

SECT. 19 amended, 1934, 328 § 14.

SECT. 20 amended, 1934, 328 § 15.

Chapter 140. — Licenses.

For legislation providing for the temporary licensing of distributors and dealers in cigarettes and cigarette vending machines, see 1941, 417.

SECT. 4 amended, 1934, 171 § 1.

SECT. 6 amended, 1937, 424 § 6; revised, 1941, 439 § 1.

SECT. 6A added, 1937, 424 § 7 (providing for the granting of common victuallers' licenses and licenses to sell alcoholic beverages upon condition that licensed premises are equipped and furnished according to plans and estimates approved in advance); repealed, 1941, 439 § 2.

SECT. 8 amended, 1936, 368 § 14.

SECT. 9A added, 1939, 431 (relative to the keeping of the premises of common victuallers open for business).

SECT. 10 amended, 1935, 167.

SECT. 12 revised, 1932, 86; 1933, 92.

SECTS. 21E and 21F added, under caption "ORGANIZATIONS DISPENSING FOOD OR BEVERAGES TO MEMBERS AND GUESTS", 1933, 284 (providing for the regulation of such organizations).

SECT. 21E, last sentence revised, 1934, 328 § 16; affected, 1934, 328 § 17.

SECTS. 32A-32E added, 1939, 416 (requiring the licensing of recreational camps, overnight camps or cabins and trailer camps).

SECT. 32B amended, 1941, 396.

SECT. 48 repealed, 1937, 342 § 2.

SECT. 51 amended, 1932, 275; 1935, 428 § 3; 1936, 55 § 1; revised, 1941, 626 § 12. (See 1935, 428 §§ 6, 7; 1936, 55 § 2.)

SECT. 52 amended, 1935, 428 § 4. (See 1935, 428 § 7.)

SECT. 55 amended, 1938, 59.

SECT. 59 amended, 1934, 254 § 1; 1938, 96. (See 1934, 254 § 2.)

SECT. 90, three sentences added at end, 1934, 179 § 1.

SECT. 96, sentence added at end, 1934, 179 § 2; section amended, 1941, 158 § 1. (See 1941, 158 §§ 2, 3.)

SECT. 121 amended, 1934, 359 § 1.

SECT. 131 revised, 1936, 302.

SECT. 131C added, 1934, 246 (prohibiting persons licensed to carry pistols and revolvers from carrying the same in vehicles unless said weapons are under their control therein).

SECT. 133 amended, 1939, 451 § 56.

SECT. 136A, under caption "dogs", added, 1934, 320 § 1 (definitions of certain words and phrases in sections 137-175). (See 1934, 320 § 34.)

SECT. 137 amended, 1932, 289 § 1; revised (and caption stricken out) 1934, 320 § 2. (See 1934, 320 § 34.)

SECTS. 137A-137C added, 1934, 320 § 3 (relative to kennel licenses and regulating holders of such licenses). (See 1934, 320 § 34.)

SECT. 137A, paragraph added at end, 1937, 95.

SECT. 137C revised, 1939, 206.

SECT. 138 revised, 1934, 320 § 4; 1938, 92. (See 1934, 320 § 34.)

SECT. 139 amended, 1934, 320 § 5; sentence added at end, 1939, 23; sentence added at end, 1941, 132. (See 1934, 320 § 34.)

SECT. 140 repealed, 1934, 320 § 6. (See 1934, 320 § 34.)

SECT. 141 revised, 1934, 320 § 7. (See 1934, 320 § 34.)

SECTS. 142-144 repealed, 1934, 320 § 8. (See 1934, 320 § 34.)

SECT. 145 amended, 1932, 289 § 2.

SECT. 145A added, 1932, 289 § 3 (relative to the furnishing of anti-rabic vaccine); revised, 1934, 320 § 9; 1937, 375; last sentence revised, 1939, 42. (See 1934, 320 § 34.)

SECT. 146 revised, 1934, 320 § 10; 1941, 133 § 1. (See 1934, 320 § 34.)

SECT. 147 revised, 1932, 289 § 4; 1934, 320 § 11; amended, 1941, 133 § 2. (See 1934, 320 § 34.)

SECT. 148 repealed, 1932, 289 § 6. (See G. L. chapter 41 § 13A, inserted by 1932, 289 § 5.)

SECT. 150 revised, 1934, 320 § 12. (See 1934, 320 § 34.)

SECT. 151 revised, 1934, 320 § 13. (See 1934, 320 § 34.)

SECT. 151A added, 1934, 320 § 14 (powers and duties of dog officers under annual warrants from mayors or selectmen). (See 1934, 320 § 34.)

SECT. 152 revised, 1934, 320 § 15. (See 1934, 320 § 34.)

SECT. 153 revised, 1934, 320 § 16. (See 1934, 320 § 34.)

SECT. 154 repealed, 1934, 320 § 17. (See 1934, 320 § 34.)

SECT. 155 revised, 1934, 320 § 18. (See 1934, 320 § 34.)

SECT. 156 revised, 1934, 320 § 19. (See 1934, 320 § 34.)

SECT. 157 revised, 1934, 320 § 20. (See 1934, 320 § 34.)

SECT. 158 revised, 1934, 320 § 21. (See 1934, 320 § 34.)

SECT. 159 revised, 1934, 320 § 22. (See 1934, 320 § 34.)

SECT. 160 revised, 1934, 320 § 23. (See 1934, 320 § 34.)

SECT. 161, first two sentences amended, 1932, 289 § 7; section amended, 1934, 320 § 24. (See 1934, 320 § 34.)

SECT. 161A added, 1934, 320 § 25 (reimbursement for damages by dogs regulated). (See 1934, 320 § 34.)

SECT. 162 revised, 1934, 320 § 26. (See 1934, 320 § 34.)

SECT. 163 amended, 1934, 320 § 27. (See 1934, 320 § 34.)

SECT. 164 amended, 1934, 320 § 28. (See 1934, 320 § 34.)

SECT. 165 revised, 1934, 320 § 29. (See 1934, 320 § 34.)

SECT. 166 amended, 1934, 320 § 30. (See 1934, 320 § 34.)

SECT. 170 amended, 1934, 320 § 31. (See 1934, 320 § 34.)

SECT. 171 revised, 1934, 320 § 32. (See 1934, 320 § 34.)

SECT. 172 revised, 1932, 289 § 8.

SECT. 175 revised, 1932, 289 § 9; 1934, 320 § 33. (See 1934, 320 § 34.)

SECTS. 180A-180D added, under caption "THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS", 1935, 378 (providing for the licensing and bonding of certain theatrical booking agents, personal agents and managers).

SECT. 181. Affected by 1935, 454 § 8.

SECT. 183A amended, 1935, 102 § 1; 1936, 71 § 1. (See 1935, 102 § 2.)

SECT. 183B repealed, 1936, 71 § 2.

SECT. 184 amended, 1934, 328 § 18.

SECT. 185A amended, 1936, 279; paragraph added at end, 1941, 247.

SECT. 185H added, 1939, 253 (relative to the licensing and supervision of dancing schools, so called).

SECT. 186 amended, 1936, 169 § 1.

SECT. 187 amended, 1936, 169 § 2.

SECT. 202 revised, 1936, 169 § 3.

Chapter 141. — Supervision of Electricians.

SECT. 3, clause (4) amended, 1934, 347 § 1.

Chapter 142. — Supervision of Plumbing.

SECT. 6 revised, 1934, 347 § 2.

SECT. 13 amended, 1934, 284.

SECT. 17 revised, 1936, 234; 1941, 518 § 1.

SECT. 18 revised, 1941, 518 § 2.

SECT. 19 revised, 1941, 518 § 3.

SECT. 21 added, 1938, 302 (providing for regulation of plumbing in buildings owned and used by the commonwealth).

SECT. 22 added, 1941, 518 § 4 (providing for the enforcement of certain laws relative to the marking, construction and installation of hot water tanks).

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings Elevators and Cinematographs.

SECT. 1, definition of "Special hall" revised, 1941, 694.

SECT. 74 revised, 1941, 553 § 1. (See 1941, 553 § 9.)

SECT. 75 revised, 1941, 553 § 2. (See 1941, 553 § 9.)

SECT. 76 revised, 1941, 553 § 3. (See 1941, 553 § 9.)

SECTS. 77 and 78 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 79 revised, 1941, 553 § 5. (See 1941, 553 § 9.)

SECT. 80 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 82 amended, 1941, 553 § 6. (See 1941, 553 § 9.)

SECT. 85 amended, 1941, 553 § 7. (See 1941, 553 § 9.)

SECT. 86 amended, 1941, 553 § 8. (See 1941, 553 § 9.)

Chapter 145. — Tenement Houses in Towns.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses).

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

SECT. 2 amended, 1941, 459.

SECT. 16 revised, 1932, 180 § 28.

SECT. 34 revised, 1938, 319 § 1.

SECT. 35 amended, 1938, 319 § 2.

SECT. 50 amended, 1935, 67.

SECT. 67 revised, 1941, 525 § 1. (See 1941, 525 § 2.)

Chapter 147. — State and Other Police, and Certain Powers and Duties of the Department of Public Safety.

SECT. 4B added, 1939, 116 (providing that local police authorities and district attorneys be furnished with information relative to certain persons charged with or convicted of sex crimes, so called, upon their release or discharge from certain institutions).

SECT. 8A added, 1938, 296 (authorizing the carrying of certain weapons by sheriffs, deputy sheriffs and special sheriffs, and certain officers in the department of correction); revised, 1939, 174.

SECT. 10 amended, 1934, 23.

SECTS. 13B and 13C added, 1939, 419 § 2 (providing for the ultimate abolition of reserve police forces in certain cities and towns).

SECT. 16A added, 1937, 85 § 1 (providing for one day off in every seven days for police officers in certain cities and towns); revised, 1938, 426 § 1.

SECT. 16B added, 1938, 426 § 2 (providing for one day off in every six days for police officers of certain cities and towns).

SECT. 17 amended, 1937, 85 § 2; 1938, 426 § 3.

SECT. 19, sentence added after the first sentence, 1939, 256 § 2. (See 1939, 256 § 3.)

SECTS. 25A-25C added, 1937, 437 § 1 (relative to promoting peaceful industrial relations by regulating certain forms of private police and detective activity in labor disputes and related matters).

SECT. 26 amended, 1937, 437 § 2.

SECT. 30 revised, 1937, 437 § 3.

SECT. 32 revised, 1935, 262 § 1.

SECT. 33 amended, 1935, 262 § 2.

SECT. 35 revised, 1934, 69.

SECT. 36 revised, 1932, 79.

Chapter 148. — Fire Prevention.

SECT. 1, definition of "local licensing authority" amended, 1932, 102.

SECT. 10A added, 1932, 75 (relative to the granting of certain permits and the making of certain inspections by municipal officers designated by the state fire marshal).

SECT. 13, first paragraph amended, 1932, 22 § 1; section amended, 1935, 123 § 1; revised, 1936, 394 § 1; third paragraph amended, 1939, 333; last paragraph amended, 1938, 99. (See 1932, 22 § 2; 1936, 394 §§ 2, 3.)

SECT. 14 amended, 1938, 103.

SECT. 16 amended, 1941, 288.

SECT. 18 repealed, 1934, 182 § 2.

SECT. 23 amended, 1935, 123 § 2.

SECT. 27A added, 1932, 283 (relative to the protection of life and property from fire hazards incident to the present industrial emergency).

SECT. 29 amended, 1939, 205.

SECT. 38A added, 1938, 95 (prohibiting the removal of certain gasoline tanks without a permit).

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes).

Chapter 149. — Labor and Industries.

For legislation relative to interstate compacts affecting labor and industry, see 1933, Res. 44; 1934, 383, Res. 25; 1935, 315 §§ 1-3; 1936, Res. 68; 1937, 404.

For legislation establishing in the department of labor and industries a division of apprentice training under a director of apprenticeship and an apprenticeship council and defining the powers and duties of such director and council, see 1941, 707. (See also 1938, 448; 1939, 471.)

SECT. 1, paragraph defining "co-operative courses" amended, 1939, 461 § 4; paragraph defining "discrimination" inserted, 1937, 367 § 1; paragraph defining "employment permit", "permit for employment" or "employment certificate" inserted, 1939, 461 § 4A; paragraph defining "mercantile establishments" amended, 1936, 78.

SECT. 6 amended, 1934, 132 § 1; 1937, 249. (See 1934, 132 § 2.)

SECT. 11 amended, 1935, 328.

SECT. 20A added, 1933, 351 § 1 (relative to the judicial enforcement of certain contracts relative to membership in labor or employers' organizations). (See 1933, 351 § 2.)

SECTS. 20B and 20C added, 1935, 407 § 1 (regulating the liability of labor unions and others involved in labor disputes, and defining labor disputes and other terms used in connection therewith). (See 1935, 407 § 6.)

SECT. 20C. See 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.

SECT. 23 amended, 1935, 114.

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, lockouts and other labor troubles).

SECT. 24 amended, 1933, 272.

SECTS. 24A-24J added, under the caption "DISCRIMINATION AGAINST CERTAIN PERSONS IN EMPLOYMENT ON ACCOUNT OF AGE", 1937, 367 § 2.

SECTS. 26 and 27 stricken out, and new sections 26-27D added, 1935, 461 (relative to preference and minimum wages of veterans and others in certain employments on certain public works).

SECT. 26, paragraph added at end, 1937, 346; same paragraph revised, 1938, 413.

SECT. 27E added, 1938, 67 (establishing residential requirements to be observed in the employment of certain persons by the department of public works).

SECT. 29 amended, 1935, 217 § 2; revised, 1935, 472 § 2; 1938, 361.

SECT. 30 revised, 1936, 367 § 1.

SECT. 34 amended, 1936, 367 § 2.

SECT. 34A added, 1938, 438 (requiring contractors on public buildings and other public works to provide and continue in force, during the full term of the contract, insurance under the Workmen's Compensation Law, so called).

SECT. 34B added, 1939, 252 (regulating the rate of compensation paid to reserve police officers by contractors on certain public works).

SECT. 36 amended, 1942, 1 § 7. (See 1942, 1 § 9.)

SECT. 39 revised, 1935, 444 § 1. (See 1935, 444 § 2.)

SECTS. 44A-44D added, 1939, 480 (requiring fair competition for bidders on the construction, reconstruction, alteration, remodelling or repair of certain public works by the commonwealth or any political subdivision thereof).

SECT. 44A revised, 1941, 699 § 1.

SECT. 44C, subsection (B) revised, 1941, 699 § 2; subsection (D) amended, 1941, 699 § 3; first paragraph of subsection (E) revised, 1941, 699 § 4; sentence added at end of subsection (E), 1941, 699 § 5; last paragraph of "Draft of Proposal Form" amended, 1941, 699 § 6; paragraph contained in lines 14-18 of the "Proposal Form (Sub-Bidder)" amended, 1941, 699 § 7.

SECT. 48 revised, 1935, 185, 423 § 3; amended, 1938, 320; revised, 1939, 235 § 1.

SECT. 49 amended, 1937, 221; revised, 1938, 295.

SECT. 50 revised, 1933, 225; amended, 1935, 423 § 1.

SECT. 50A added, 1935, 423 § 2 (making one day's rest in seven law applicable to watchmen and employees maintaining fires in certain establishments).

SECT. 51 revised, 1939, 235 § 2.

SECT. 56 amended, 1932, 110 § 1; revised, 1935, 200; first sentence stricken out and two sentences inserted, 1939, 377; section amended, 1941, 574, 610 § 1. (See 1941, 610 §§ 2, 3.)

SECT. 57 amended, 1932, 110 § 2.

SECT. 59 amended, 1933, 193 § 1; 1936, 170 § 1. (For temporary act, authorizing the commissioner of labor and industries to suspend certain provisions relative to the hours of employment of women in the textile and leather industries, see 1933, 347; time for suspension as to the textile industry extended, 1935, 429; 1936, 154; 1937, 153; 1938, 68; 1939, 96; 1941, 154.)

SECT. 60 revised, 1935, 203; paragraph added at end, 1939, 193 § 1; section revised, 1939, 273, 461 § 5. (See 1939, 461 § 13.)

SECT. 62, clause (13) amended, 1934, 328 § 19.

SECT. 65 amended, 1939, 352; revised, 1939, 461 § 6.

SECT. 66 amended, 1933, 193 § 2; 1936, 170 § 2; 1939, 255.

SECT. 67 revised, 1939, 348.

SECTS. 69-73. See 1934, 114.

SECT. 69 amended, 1939, 461 § 7.

SECT. 70, sentence added at end, 1939, 94.

SECT. 73 revised, 1939, 461 § 8.

SECT. 78 amended, 1934, 292 § 1.

SECT. 84 amended, 1932, 180 § 29.

SECT. 86 revised, 1939, 461 § 9.

SECT. 87 revised, 1939, 461 § 10.

SECT. 94 revised, 1939, 461 § 11.

SECT. 100 amended, 1939, 280.

SECT. 101 revised, 1938, 335.

SECT. 104 amended, 1932, 27; 1939, 193 § 2.

SECT. 113 revised, 1934, 255.

SECT. 117 revised, 1935, 208.

SECT. 135 amended, 1933, 64.

SECTS. 142A-142F added, under caption "BENZOL AND MIXTURES CONTAINING BENZOL", 1933, 304 (regulating the sale, distribution, storage and use of benzol and its compounds).

SECT. 142A amended, 1935, 463 § 1.

SECT. 142B revised, 1935, 463 § 2.

SECTS. 143-147A, and the heading above section 143, stricken out, and new sections 143-147H inserted, under the heading "INDUSTRIAL HOMEWORK", 1937, 429.

SECT. 147 amended, 1941, 539.

SECT. 147A added, 1932, 234 (requiring the furnishing of certain information to the department of labor and industries with respect to the performance of certain industrial work in tenements and dwelling houses); section stricken out and new section inserted, 1937, 429; amended, 1939, 461 § 12.

SECT. 148, last sentence amended, 1932, 101 § 1; section revised, 1935, 350; 1936, 160.

SECT. 150, sentence added at end, 1932, 101 § 2.

SECT. 150A added, 1938, 403 (requiring employers to furnish certain information to employees relative to deductions from wages for social security and unemployment compensation benefits).

SECT. 156 amended, 1935, 363 § 1; 1941, 164. (See 1935, 363 § 2.)

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 159A added, 1937, 342 § 1 (to prevent the misleading of patrons of certain places as to the beneficiaries of tips given to hat-check and cigarette girls and the like).

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of intestate employees to certain next of kin without administration).

SECT. 179B added, 1941, 642 (requiring the giving of notice to the Commissioner of Labor and Industries of the commencement or a change of location of operations by industries in this commonwealth).

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 3 amended, 1938, 364 § 1; 1939, 111.

SECT. 5 revised, 1938, 364 § 2.

Chapter 150A. — Labor Relations.

New chapter inserted, 1938, 345 § 2 (incorporating the provisions of 1937, 436, relative to labor relations as an addition to the General Laws). (See 1938, 345 §§ 3, 4.)

SECT. 5, subsection (b) amended, 1939, 318.

SECT. 6, subsection (h) amended, 1941, 261.

Chapter 151. — Minimum Fair Wages for Women and Minors (former title, The Minimum Wage).

The following references are to chapter 151, as appearing in the Tercentenary Edition:

SECT. 8 amended, 1933, 110.

SECTS. 11A-11D added, 1933, 220 § 1 (relative to the more effective enforcement of decrees of the minimum wage commission). (See 1933, 220 § 2.)

Chapter stricken out, and new chapter 151 inserted, 1934, 308 § 1. (See 1934, 308 §§ 2, 3; 1935, 267. See also 1933, Res. 44; 1934, 383, Res. 25).

The following references are to chapter 151, as inserted by 1934, 308 § 1:

SECT. 1 revised, 1936, 430 § 1. (See 1936, 430 §§ 18-22.)

SECT. 2 revised, 1936, 430 § 2. (See 1936, 430 §§ 18-22.)

SECT. 3 amended, 1936, 430 § 3. (See 1936, 430 §§ 18-22.)

SECT. 4 revised, 1936, 430 § 4. (See 1936, 430 §§ 18-22.)

SECT. 7 revised, 1936, 430 § 5. (See 1936, 430 §§ 18-22.)

SECT. 10 revised, 1936, 430 § 6. (See 1936, 430 §§ 18-22.)

SECT. 12 revised, 1936, 430 § 7. (See 1936, 430 §§ 18-22.)

SECT. 13 amended, 1936, 175; revised, 1936, 430 § 8. (See 1936, 430 §§ 18-22.)

SECT. 14 revised, 1936, 430 § 9. (See 1936, 430 §§ 18-22.)

SECT. 15 revised, 1936, 430 § 10. (See 1936, 430 §§ 18-22.)

SECT. 16 amended, 1936, 430 § 11. (See 1936, 430 §§ 18-22.)

SECT. 17 amended, 1936, 430 § 12. (See 1936, 430 §§ 18-22.)

SECT. 20 amended, 1936, 430 § 13. (See 1936, 430 §§ 18-22.)

SECT. 21 revised, 1936, 430 § 14. (See 1936, 430 §§ 18-22.)

SECT. 22 revised, 1936, 430 § 15. (See 1936, 430 §§ 18-22.)

SECT. 23 amended, 1936, 430 § 16. (See 1936, 430 §§ 18-22.)

SECT. 24 revised, 1936, 430 § 17. (See 1936, 430 §§ 18-22.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1937, 401 § 1. (See 1937, 401 §§ 2, 3.)

The following references are to chapter 151, as inserted by 1937, 401 § 1:

SECT. 19, paragraph added at end, 1938, 237.

SECT. 20A added, 1939, 275 (relative to evidence of the establishment of minimum fair wage rates).

Chapter 151A. — Employment Security (former title, Unemployment Compensation).

For legislation providing for the payment of unemployment compensation benefits to persons upon termination of service in the military or

naval forces of the United States during the present national emergency, see 1941, 701.

New chapter inserted, 1935, 479 § 5. (See 1935, 479 §§ 6, 7; 1936, 12 § 3, 249 § 16.)

The following references are to chapter 151A, as inserted by 1935, 479 § 5:

SECT. 1, clauses (1) to (9), inclusive, of paragraph (a) revised, 1936, 249 § 1; paragraph (b) amended, 1936, 249 § 2; paragraph (k) amended, 1936, 249 § 3; paragraph (m) amended, 1936, 249 § 4; paragraph (n) revised, 1936, 249 § 5.

SECT. 3 revised, 1936, 249 § 6.

SECT. 4 revised, 1936, 249 § 7.

SECT. 7, paragraph added at end, 1936, 249 § 8.

SECT. 7A added, 1936, 249 § 9 (relative to refunding of over-payments or collection of under-payments of contributions).

SECT. 10 amended, 1936, 249 § 10.

SECT. 12 amended, 1936, 12 § 1.

SECT. 17, paragraph (a) amended, 1936, 249 § 11.

SECT. 18, paragraph (a) amended, 1936, 249 § 12.

SECT. 19, paragraph defining "suitable employment" amended, 1936, 12 § 2.

SECT. 20 amended, 1936, 249 § 13.

SECT. 24, second paragraph stricken out, 1936, 249 § 14.

SECT. 48 amended, 1936, 249 § 15.

Chapter stricken out, and new chapter 151A (with same title) inserted, 1937, 421 § 1. (See 1937, 421 §§ 2-4.)

The following references are to chapter 151A, as inserted by 1937, 421 § 1:

SECT. 1, paragraphs (1) and (2) inserted after subsection (a), 1939, 490 § 1; subsection (b) revised, 1939, 20 § 2; subsection (f) clause (5) amended, 1939, 319 § 1; subsection (f) clause (8) added, 1939, 374 § 1 (see 1939, 374 § 6); subsection (f) revised, 1939, 490 § 2; subsection (k) revised, 1938, 469 § 1; amended, 1939, 490 § 3; subsection (l) revised, 1938, 469 § 2; amended, 1939, 490 § 4; subsection (n) amended, 1939, 490 § 19. (See 1938, 469 § 20; 1939, 20 §§ 6-9; 1939, 319 §§ 10, 11.)

SECT. 1A, subsections (1) and (2) revised, 1938, 469 § 3; subsection (6) added, 1938, 469 § 4. (See 1938, 469 § 20.)

SECT. 3 revised, 1939, 319 § 2; amended, 1939, 490 § 17; revised, 1939, 490 § 23. (See 1939, 319 §§ 10, 11.)

SECT. 4, first paragraph revised, 1938, 469 § 5; fifth paragraph stricken out, 1938, 469 § 6; paragraph inserted before the last paragraph, 1938, 469 § 7; last paragraph revised, 1938, 470 § 2; section revised, 1939, 319 § 3. (See 1938, 469 § 20, 470 §§ 1 and 3; 1939, 319 §§ 10, 11.)

SECT. 8, last paragraph stricken out, 1939, 319 § 4. (See 1939, 319 §§ 10, 11.)

SECT. 9 amended, 1939, 319 § 5. (See 1939, 319 §§ 10, 11.)

SECT. 10 amended, 1939, 319 § 6. (See 1939, 319 §§ 10, 11.)

SECT. 11, subsection (a) revised, 1938, 469 § 8. (See 1938, 469 § 20.)

SECT. 12, last sentence stricken out, 1939, 319 § 7. (See 1939, 319 §§ 10, 11.)

SECT. 14, subsection (a) revised, 1938, 469 § 9; 1939, 490 §§ 5, 6; subsection (c) revised, 1938, 469 § 10; subsection (d) added, 1938, 469 § 11. (See 1938, 469 § 20.)

SECT. 15, subsection (a) revised, 1938, 469 § 12; 1939, 490 § 7. (See 1938, 469 § 20.)

SECT. 16, subsection (c) revised, 1939, 490 § 8; first paragraph of subsection (d) revised, 1938, 469 § 13; subsection (e) revised, 1939, 490 § 9; subsection (f) added, 1938, 469 § 14; subsections (g), (h) added, 1939, 374 § 2. (See 1938, 469 § 20; 1939, 374 § 6.)

SECT. 17 revised, 1938, 469 § 15; 1939, 490 § 10. (See 1938, 469 § 20.)

SECT. 18, subsection (a) revised, 1938, 469 § 16; amended and revised, 1939, 490 § 11; subsection (b) stricken out, 1939, 490 § 13; subsection (c) stricken out, 1939, 490 § 13; subsection (d) revised, 1938, 469 § 17; 1939, 490 § 12; stricken out, 1939, 490 § 13. (See 1938, 469 § 20.)

SECT. 19 revised, 1939, 490 § 14.

SECT. 22A revised, 1939, 319 § 8. (See 1939, 319 §§ 10, 11.)

SECT. 26 amended, 1938, 469 § 18. (See 1938, 469 § 20.)

SECTS. 26-33, stricken out and new sections 26-31 inserted, 1939, 20 § 3.

SECTS. 26, 27, 28 (as appearing in 1939, 20 § 3) revised, 1939, 490 § 15.

SECT. 30 (as appearing in 1939, 20 § 3) amended, 1939, 490 § 16.

SECT. 35 amended, 1939, 490 § 21.

SECT. 36 amended, 1939, 490 § 18.

SECT. 41, second sentence revised, 1939, 20 § 4.

SECT. 42 amended, 1939, 319 § 9. (See 1939, 319 §§ 10, 11.)

SECT. 43 revised, 1939, 374 § 3. (See 1939, 374 § 6.)

SECT. 45 revised, 1939, 20 § 5.

SECT. 47 revised, 1938, 163.

SECT. 47A added, 1939, 374 § 4 (authorizing the director of the division of unemployment compensation to co-operate with certain federal agencies charged with the administration of laws relative to unemployment). (See 1939, 374 § 6.)

SECT. 48, paragraph added at end, 1939, 374 § 5. (See 1939, 374 § 6.)

SECT. 52 added, 1938, 469 § 19 (powers of the unemployment compensation commission when employer fails or refuses to make any required report or return). (See 1938, 469 § 20.)

SECT. 53 added, 1938, 469 § 19 (authorizing the payment without administration of unemployment compensation benefits due a deceased person in certain cases); revised, 1939, 490 § 20. (See 1938, 469 § 20.)

NOTE — SEE SECT. 53, *INFRA*.

SECT. 53 added, 1939, 490 § 22 (relative to the preparation, use as evidence and disposition of certain records, reports, claims and other papers). NOTE — SEE SECT. 53, *SUPRA*.

SECT. 54 added, 1938, 469 § 19 (relative to the effect to be given any ruling or decision of the unemployment compensation commission). (See 1938, 469 § 20.)

Chapter stricken out, and new chapter 151A (with new title) inserted, 1941, 685 § 1. (See 1941, 685 §§ 7-11; 1941, 686.)

The following references are to chapter 151A, as so inserted:

SECT. 11 revised, 1941, 685 § 2.

SECT. 23, subsection (a) revised, 1941, 685 § 3.

Chapter 152. — Workmen's Compensation.

For legislation requiring manufacturers to insure under the workmen's compensation act where employees work on machinery, see 1936, 426.

SECT. 1, two sentences added at end of paragraph (1), 1935, 332 § 1; paragraph (4) revised, 1935, 406; paragraph (7A) added, 1941, 437.

SECT. 4 revised, 1939, 83.

SECT. 9A revised, 1938, 381.

SECT. 9B added, 1935, 424 (providing for the reference of certain cases under the workmen's compensation law to industrial disease referees); revised, 1938, 462.

SECT. 11 amended, 1932, 129 § 1; paragraph added at end, 1935, 484; paragraph added at end, 1939, 213 § 1. (See 1939, 213 § 2.)

SECT. 12, last paragraph amended, 1932, 117 § 1. (See 1932, 117 § 2; 1935, 351.)

SECT. 13, sentence added at end, 1933, 68.

SECT. 15 revised, 1939, 401.

SECT. 15A amended, 1934, 252.

SECT. 18, sentence added at end, 1938, 102; section amended, 1939, 93.

SECT. 19, paragraph in lines 17 and 18 revised, 1935, 339; same paragraph revised, 1939, 245; paragraph added at end, 1941, 379 § 11.

SECT. 19A added, 1935, 359 (requiring certain notices from employers not insured under the workmen's compensation law).

SECT. 19B added, 1941, 410 (requiring the posting of notices by certain employers not covering their employees by workmen's compensation insurance).

SECT. 20 revised, 1935, 340.

SECT. 26 amended, 1937, 370 § 1.

SECT. 26A added, 1937, 370 § 2 (providing for payment of workmen's compensation in certain cases of suicide).

SECT. 27 revised, 1935, 331.

SECT. 28 amended, 1934, 292 § 2.

SECT. 29 revised, 1935, 372; 1937, 382.

SECT. 30 revised, 1936, 164.

SECT. 31, first paragraph amended, 1934, 250; paragraph contained in the seventh to the forty-fourth lines revised, 1937, 325.

SECT. 32, new paragraph added, 1935, 361 (relative to payments under the workmen's compensation law to dependents of deceased minor employees).

SECT. 33 revised, 1939, 81; 1941, 495.

SECT. 34 revised, 1935, 332 § 2; 1941, 624.

SECT. 34A added, 1935, 364 (providing for payments for total and permanent disability under the workmen's compensation law, and establishing methods of determining the same).

SECT. 36, paragraph (j) revised, 1933, 257; section revised, 1935, 333.

SECT. 37 amended, 1937, 321.

SECT. 39 amended, 1937, 317.

SECT. 46 amended, 1941, 378.

SECT. 52A added, 1939, 465 § 2 (relative to insuring against silicosis and other occupational pulmonary dust diseases). (See 1939, 465 § 4.)

SECT. 54A added, 1935, 425 (relative to safeguarding and extending the workmen's compensation law by making void certain contracts or agreements in the nature of insurance which do not insure the payment of the compensation provided for by said law).

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 65 amended, 1935, 395; 1936, 162; 1937, 394; revised, 1939, 465 § 3. (See 1939, 465 § 4.)

SECTS. 65A-65M added, 1939, 489 (providing for the equitable distribution of rejected risks among insurers of workmen's compensation, and the pooling of losses in connection with such risks).

SECT. 69 revised, 1933, 318 § 7; 1936, 260; amended, 1936, 403; revised, 1939, 435; last sentence revised, 1939, 468; section amended, 1941, 614.

SECT. 69A added, 1933, 315 (regulating workmen's compensation payments by the commonwealth).

SECT. 69B added, 1936, 427 (further regulating workmen's compensation payments by the commonwealth).

SECT. 73, first sentence amended, 1936, 318 § 4; 1937, 336 § 23; 1941, 379 § 12.

SECT. 73A added, 1941, 649 (to provide for the employment of partially disabled public employees and temporary filling of their original positions).

SECT. 74 amended, 1939, 451 § 57; 1941, 344 § 26.

SECT. 75 revised, 1932, 19.

SECTS. 76-85 added, 1939, 465 § 1 (providing workmen's compensation benefits for employees in the granite industry contracting silicosis and other occupational pulmonary dust diseases). (See 1939, 465 § 4.)

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death.

SECT. 6 amended, 1935, 387.

Chapter 154. — Assignment of Wages.

SECT. 8 added, 1933, 96 (exempting orders for payment of labor or trade union or craft dues or obligations from the operation of the laws regulating assignments of wages); amended, 1939, 125.

Chapter 155. — General Provisions relative to Corporations.

SECT. 1 revised, 1935, 297 § 1. (See 1935, 297 § 3.)

SECT. 9 amended, 1938, 327 § 1. (See 1938, 327 § 2.)

SECT. 10 amended, 1933, 11.

SECT. 12A added, 1938, 164 § 1 (making permanent certain provisions of law authorizing domestic corporations to contribute to certain funds for the benefit of social and economic conditions). (See 1938, 164 § 2.)

SECT. 15 revised, 1939, 14.

SECT. 23A added, 1935, 297 § 2 (regulating sales of stocks, bonds and other securities of corporations to their employees); repealed, 1938, 445 § 13. (See 1935, 297 § 3; G. L. chapter 110A § 11A, inserted by 1938, 445 § 9.)

SECT. 50 amended, 1933, 66.

SECT. 50A added, 1939, 456 § 1 (relative to the dissolution of domestic corporations).

SECT. 56, first sentence revised, 1939, 456 § 2.

Chapter 156. — Business Corporations.

SECT. 5 amended, 1939, 301 § 1.

SECT. 6, clause (e) amended, 1939, 15 § 1.

SECT. 12, form of certificate revised, 1932, 67.

SECT. 30 amended, 1937, 52.

SECT. 36 revised, 1941, 514 § 1.

SECT. 41 revised, 1932, 136.

SECTS. 46A-46E added, under the heading "MERGER AND CONSOLIDATION", 1941, 514 § 2.

SECT. 49 revised, 1941, 276.

SECT. 54 amended, 1932, 180 § 30.

Chapter 157. — Co-operative Corporations.

SECT. 16, last sentence amended, 1932, 180 § 31.

Chapter 159. — Common Carriers.

SECT. 14A added, 1941, 713 (authorizing the department of public utilities to regulate rates for the transportation of persons or property within the commonwealth by common carriers by aircraft).

SECT. 15, paragraph added at end, 1937, 247; same paragraph stricken out, 1938, 155 § 2.

SECT. 16A added, 1938, 243 (relative to the discontinuance of service by railroads).

SECT. 20 amended, 1939, 18.

SECT. 59 revised, 1933, 326 § 1.

SECT. 60 amended, 1933, 326 § 2; 1941, 233.

SECT. 61 amended, 1933, 326 § 3.

SECT. 62 amended, 1933, 326 § 4.

SECT. 65 amended, 1937, 270.

SECT. 70 revised, 1934, 357 § 1.

SECT. 80 amended, 1934, 357 § 2.

SECT. 89 revised, 1936, 363 § 1.

SECT. 90 revised, 1936, 363 § 2.

SECT. 91 revised, 1936, 363 § 3.

SECT. 92 amended, 1936, 363 § 4.

SECT. 93 amended, 1936, 363 § 5.

SECT. 94 amended, 1936, 363 § 6.

SECT. 103 amended, 1933, 10; 1941, 54.

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

[Title amended, and headings, "PART I", "CARRIERS OF PASSENGERS BY MOTOR VEHICLE", inserted before section 1, 1933, 372 § 1.]

[SECTS. 17-30 added, under headings, "PART II", "CARRIERS OF PROPERTY BY MOTOR VEHICLE", 1933, 372 § 2 (regulating carriers of property by motor vehicle).]

NOTE — 1933, 372 repealed by 1934, 264 § 5.

SECT. 11A added, 1939, 404 § 1 (placing special and chartered buses, so called, under the supervision of the department of public utilities); amended, 1941, 480. (See 1939, 404 § 2.)

Chapter 159B. — Carriers of Property by Motor Vehicle.

New chapter inserted, 1934, 264 § 1.

The following references are to chapter 159B, as inserted by 1934, 264 § 1:

SECT. 2 revised, 1936, 345 § 1.

SECT. 6 revised, 1936, 345 § 2.

SECT. 7 revised, 1936, 345 § 3; amended, 1938, 332.

SECT. 8 affected, 1935, 24.

SECT. 9 revised, 1936, 345 § 4.

SECT. 10 revised, 1936, 345 § 5; 1937, 381.

SECT. 10A added, 1936, 345 § 6 (prohibiting rebates, discrimination and evasion of regulation in the carrying of property by motor vehicle).

SECT. 13 amended, 1937, 122.

Chapter stricken out and new chapter 159B (with same title) inserted, 1938, 483 § 1. (See 1938, 483 §§ 2-5.)

The following references are to chapter 159B, as inserted by 1938, 483 § 1:

SECT. 2, definition of "Irregular route common carrier" revised, 1941, 653 § 2; definition of "Regular route common carrier" revised and paragraph defining "Regular routes" added, 1941, 653 § 3; definition of "Agricultural carrier by motor vehicle" inserted, 1941, 704 § 1; definitions of "Contract carrier by motor vehicle", "Motor carrier" and "Permit" revised, 1941, 704 § 2. (See 1941, 704 § 4.)

SECT. 3, paragraph (b) revised, 1941, 592 § 1.

SECT. 4, third paragraph revised, 1941, 592 § 2.

SECT. 7, paragraph (a) revised, 1939, 171.

SECT. 9 amended, 1941, 483 § 1.

SECT. 10, paragraph added at end, 1939, 306; amended, 1941, 483 § 2.

SECT. 10A added, 1939, 322 (relative to replacing lost or mutilated plates and lost or destroyed certificates, permits and licenses issued to carriers of property by motor vehicle).

SECT. 11 amended, 1941, 483 § 3.

SECT. 12, first paragraph revised, 1941, 653 § 4.

SECT. 13 amended, 1941, 692.

SECT. 14 amended, 1941, 653 § 5.

SECT. 15A added, 1941, 704 § 3 (relative to agricultural carriers of property by motor vehicles). (See 1941, 704 § 4.)

SECT. 16A added, 1939, 307 (giving the department of public utilities authority to obtain certain information of persons engaged in leasing motor vehicles for the transportation of property for hire).

Chapter 160. — Railroads.

SECT. 70 amended, 1932, 238.

SECT. 70A revised, 1932, 236; amended, 1934, 264 § 3.

SECT. 85 amended, 1941, 53.

SECT. 102 amended, 1941, 496 § 1.

SECT. 104 revised, 1933, 176.

SECT. 134 amended, 1941, 273 § 1.

SECT. 138 amended, 1941, 273 § 2.

SECT. 142 amended, 1938, 29.

SECT. 167 amended, 1941, 273 § 3.

SECT. 198A. See 1936, 267.

SECT. 198B added, 1936, 267 (prohibiting the scalping, so called, of tickets issued by railroad corporations).

SECT. 235 amended, 1941, 490 § 38.

SECT. 245 amended, 1941, 273 § 4, 496 § 2.

Chapter 161. — Street Railways.

Name of Metropolitan Transit District changed to Boston Metropolitan District, and authority to issue notes and bonds defined, 1932, 147.

Temporary act, extending to January 15, 1939, the period of public control and management of the Eastern Massachusetts Street Railway Company, 1933, 108; further extension of five years from said date, 1938, 173.

Temporary acts relative to the purchase of bonds of the Boston Elevated Railway Company by the Boston Metropolitan District, 1933, 235; 1934, 334; 1935, 451; 1936, 308; 1937, 357; 1941, 567.

SECT. 20A amended, 1939, 28.

SECT. 42, third sentence amended, 1934, 328 § 20.

SECT. 44 amended, 1934, 264 § 4.

SECT. 77 revised, 1934, 310 § 1.

SECT. 86 revised, 1934, 310 § 2.

SECT. 91A added, 1935, 101 (relative to the number of guards on passenger trains operated by street railway companies).

Chapter 163. — Trackless Trolley Companies.

SECT. 12 added, 1932, 185 (requiring trackless trolley companies to furnish security for civil liability on account of personal injuries or property damage caused by their vehicles).

Chapter 164. — Manufacture and Sale of Gas and Electricity.

For legislation authorizing compacts relative to the interstate transmission of electricity and gas, see 1933, 294.

SECT. 4 amended, 1938, 44.

SECT. 14 amended, 1935, 222.

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies).

SECT. 31 amended, 1939, 301 § 2.

SECT. 33 amended, 1932, 180 § 32.

SECT. 34 amended, 1937, 235 § 1. (See 1937, 235 § 2.)

SECT. 76A added, 1935, 335 § 1 (giving to the department of public utilities supervision over certain affiliates of gas and electric companies).

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85, second paragraph amended, 1935, 335 § 2.

SECT. 85A added, 1933, 202 § 1 (requiring the filing with the department of public utilities of certain contracts of gas and electric companies with affiliated companies).

SECT. 94, paragraph in lines 29-37 amended, 1939, 178 § 1. (See 1939, 178 § 2.)

SECT. 94A amended, 1941, 400 § 1.

SECT. 94B amended, 1941, 400 § 2.

SECT. 94C added, 1935, 227 (relative to payments, charges, contracts, purchases, sales or obligations or other arrangement between gas or electric companies and affiliated companies, and the burden of proving the reasonableness thereof).

SECT. 94D added, 1936, 243 (prohibiting gas and electric companies from collecting penalty charges for delinquency in the payment of bills for gas or electricity used for domestic purposes).

SECT. 94E added, 1941, 400 § 3 (relative to notice of the termination of certain contracts of gas and electric companies).

SECT. 96 revised, 1939, 229 § 1.

SECT. 102 revised, 1939, 229 § 2.

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 115A added, 1936, 259 § 1 (requiring the periodic replacement of meters for measuring gas); amended, 1937, 40 § 1. (See 1936, 259 §§ 2, 3; 1937, 40 §§ 2, 3.)

SECT. 119 revised, 1934, 365.

SECT. 119A added, 1936, 76 § 1 (requiring bills for gas or electricity used for domestic purposes to be itemized); revised, 1939, 145 § 1. (See 1936, 76 § 2; 1939, 145 § 2.)

SECT. 124 amended, 1935, 237, 376 § 2.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness).

Chapter 165. — Water and Aqueduct Companies.

SECT. 4A added, 1933, 202 § 2 (requiring the filing with the department of public utilities of certain contracts of water companies with affiliated companies).

SECT. 19 repealed, 1941, 275 § 1.

SECT. 28 added, under caption "GENERAL PROVISIONS", 1941, 275 § 2 (further regulating the acquisition and holding of real estate by water and aqueduct companies).

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 12A added, 1934, 202 § 2 (requiring telephone and telegraph companies to make additional annual returns).

SECT. 15A added, 1935, 242 (regulating charges by telephone companies for the use of hand sets, so called).

SECT. 15B added, 1939, 162 (authorizing the sale and transfer of property and the transfer of locations by domestic telephone and telegraph companies to domestic or foreign telephone and telegraph companies and validating certain locations so transferred).

SECT. 21 amended, 1939, 161.

SECT. 22, second paragraph amended, 1932, 36.

SECT. 22A added, 1932, 266 (relative to the placing underground of certain wires); revised, 1933, 251.

Chapter 167. — Banks and Banking.

For temporary act, authorizing the commissioner of banks to borrow within two years from March 30th, 1932, funds for the payment of dividends in liquidation of certain closed banks, see 1932, 122; time increased to four years, 1934, 304; time further increased to six years, 1936, 263; act amended, 1937, 371; time further increased to eight years, 1938, 261; time further increased to nine years, 1939, 292; time further increased to eleven years, 1941, 145 § 1.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1936, 76, 80; 1936, 155; 1938, 244 §§ 2-5; 1939, 227 §§ 2-5.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941; 1939, 241; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

SECT. 1 amended, 1935, 452 § 1.

SECT. 2 revised, 1934, 251; first paragraph amended, 1935, 452 § 2.

SECT. 2A added, 1933, 310 (improving the method of examination of banks).

SECT. 4 amended, 1934, 270 § 1.

SECT. 5 revised, 1933, 337.

SECT. 9 revised, 1939, 499 § 8.

SECT. 11 revised, 1934, 270 § 2.

SECT. 11A added, 1938, 266 § 1 (placing all corporations conducted on the Morris plan under the supervision of the commissioner of banks and further regulating the business of banking companies).

SECT. 12 revised, 1935, 452 § 3.

SECT. 14 revised, 1933, 334 § 1.

SECT. 17 repealed, 1933, 334 § 2.

SECT. 20 amended, 1933, 190.

SECT. 20A added, 1933, 292 (permitting certain public officers to participate in certain bank reorganizations).

SECTS. 22-36. See 1934, 43 § 11.

SECT. 22. See 1933, 59 § 5, 112 § 7.

SECT. 23. See 1933, 112 § 6.

SECT. 24 amended, 1932, 294; 1933, 41 § 4.

SECT. 31A added, 1933, 277 (authorizing payment of dividends on small deposits in closed banks to certain minors and to the next of kin

of certain deceased persons without probate proceedings); revised, 1937, 170.

SECT. 35. See 1936, 428.

SECT. 35A added, 1933, 302 (authorizing the destruction of certain books, records and papers relating to closed banks).

SECT. 35B added, 1934, 241 (providing for semi-annual reports by the commissioner of banks as to progress of liquidation of certain banks).

SECT. 36 amended, 1939, 451 § 58.

SECT. 48 added, 1939, 244 § 6 (relative to payments of moneys on deposit in the name of a minor).

SECT. 49 added, 1941, 444 (relative to adverse claims to certain bank deposits and to certain securities held by banks for the account of others).

Chapter 168. — Savings Banks.

For temporary act, establishing the Mutual Savings Central Fund, Inc., for the term of five years, see 1932, 44; term extended to ten years, 1936, 149 § 1; term extended to twenty-five years, 1939, 149 § 1; act amended, 1941, 78 § 1.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941, 1939, 241; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary act modifying the requirements for making certain railroad bonds legal investments for savings banks, institutions for savings and trust companies in their savings departments, see 1939, 87; 1941, 115; temporary act repealed, 1941, 413 § 11.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 1, two paragraphs (defining "deposit book [etc.]" and "savings bank") added at end, 1933, 334 § 3.

SECT. 2 revised, 1933, 334 § 4.

SECT. 2A added, 1933, 46 § 1 (authorizing savings banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 5. See 1936, 143 § 2.

SECT. 11 amended, 1933, 334 § 5.

SECT. 13 amended, 1933, 334 § 6. (See 1933, 41 § 1.)

SECT. 17 revised, 1933, 334 § 7.

SECT. 25 revised, 1933, 334 § 8.

SECT. 25A added, 1933, 334 § 8 (authorizing the collection of savings from school children through principals, teachers, etc.).

SECT. 26 revised, 1933, 334 § 9.

SECT. 27 amended, 1933, 334 § 10.

SECT. 28 revised, 1933, 334 § 11.

SECT. 29 amended, 1933, 334 § 12.

SECT. 33A revised, 1933, 334 § 13.

SECT. 33B added, 1941, 103 (relative to the sale of checks by savings banks).

SECT. 34 revised, 1933, 334 § 14.

SECT. 35 revised, 1933, 334 § 15.

SECT. 44 amended, 1941, 186.

SECT. 45 amended, 1933, 334 § 16.

SECT. 47 revised, 1933, 334 § 17.

SECT. 49 amended, 1933, 334 § 18; 1941, 105.

SECT. 50 revised, 1933, 334 § 19.

SECT. 51 revised, 1932, 245 § 1.

SECT. 51A revised, 1933, 334 § 20.

SECT. 53 revised, 1933, 334 § 21.

SECT. 54, clause First, first two paragraphs revised, 1933, 334 § 22; same clause revised, 1937, 180; clause Second, subdivisions (a), (e) and (f) revised, 1933, 334 § 23; subdivision (h) added, 1933, 334 § 24 (forbidding investment of funds in bonds or notes of county, etc., in default, and defining term "in default"); clause Second revised, 1941, 413 § 1; subdivisions (a), (b), (c) and (d) affected, 1939, 112 § 2; clause Third affected, 1933, 111; 1934, 79; 1935, 72 §§ 1, 2; 1936, 84; 1937, 56; 1939, 87; 1941, 115, 413 § 11; subdivision (p) of clause Third revised, 1936, 79; clause Third revised, 1941, 413 § 2; clause Fourth amended, 1932, 112; stricken out, 1941, 413 § 3; clause Fifth revised, 1941, 413 § 4; clauses Fifth A-Fifth D added, 1941, 413 § 5; clause Sixth A, first paragraph amended, 1937, 96; clause Sixth A revised, 1941, 413 § 6; clause Seventh, first paragraph amended, 1937, 87; second paragraph revised, 1932, 220; clause Seventh revised, 1941, 413 § 7; clause Ninth, subdivision (c), paragraph (2) stricken out, 1933, 334 § 25; subdivision (d) stricken out, 1941, 413 § 8; subdivision (e), paragraphs (2), (3) and (5) revised, 1933, 334 § 26; paragraph (6) amended, 1939, 244 § 5; 1941, 234; clause Tenth A added, 1941, 106; clause Twelfth amended, 1937, 274 § 2; clause Thirteenth A added, 1941, 107; clause Fifteenth revised, 1941, 413 § 9; clause Sixteenth affected, 1933, 111; 1934, 79; 1935, 72 §§ 1, 2; 1936, 84; 1937, 56; 1939, 87; 1941, 115, 413 § 11; clause Sixteenth stricken out, 1941, 413 § 10.

SECT. 55, paragraph added at end, 1933, 334 § 27 (authorizing the continuing of the offices of a merged savings bank as branch offices of the continuing bank).

SECT. 56 added, 1933, 41 § 1 (authorizing savings banks to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).

SECT. 57 added, 1933, 334 § 28 (authorizing savings banks to become members of savings bank associations).

Chapter 170. — Co-operative Banks.

For temporary act, establishing the Co-operative Central Bank for the term of five years, see 1932, 45; term extended to ten years, 1935, 82; amount which a member bank may borrow without collateral fur-

ther regulated, 1935, 136; 1941, 86; term further extended to twenty-five years, 1938, 244 § 1; refunds to member banks regulated, 1939, 227 § 1.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5; 1939, 227 §§ 2-5.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941, 1939, 241; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary act, authorizing co-operative banks to borrow from any source to make real estate loans, see 1936, 195; duration of act extended, 1938, 81; further extended, 1939, 104.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

The following references are to chapter 170, as appearing in the Tercenary Edition:

SECT. 16 revised, 1932, 292 § 1.

SECT. 19 amended, 1932, 292 § 2.

SECT. 20A added, 1932, 292 § 3 (authorizing payment to spouse or next of kin without administration in case value of shares does not exceed two hundred dollars).

SECT. 36A added, 1932, 292 § 4 (authorizing and regulating borrowings to meet withdrawals and to loan against shares).

SECT. 40, paragraph added at end, 1932, 233 § 1.

SECT. 41 amended, 1932, 233 § 2.

SECT. 42 amended, 1932, 233 § 3.

SECT. 45A added, 1933, 46 § 2 (authorizing co-operative banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 50 added, 1932, 201 (authorizing co-operative banks to become members of certain leagues).

Chapter stricken out and new chapter inserted, 1933, 144.

The following references are to the new chapter 170:

SECT. 7 amended, 1938, 162 § 1.

SECT. 12 amended, 1936, 196 § 1; 1938, 159; 1941, 73.

SECT. 16, second paragraph revised, 1936, 196 § 2; 1938, 244 § 7.

SECT. 17A added, 1941, 116 (providing for the temporary suspension of payments on certain shares of co-operative banks owned by persons engaged in the military or naval service of the United States, or by their dependents).

SECT. 23 revised, 1941, 76.

SECT. 25, sentence added at end, 1935, 174.

SECT. 32A added, under heading "OTHER AUTHORIZED PAYMENTS", 1938, 197 (permitting acceptance of certain payments by co-operative banks).

SECT. 33 amended, 1935, 190.

SECT. 34 amended, 1934, 203 § 1.

SECT. 35, last paragraph stricken out, 1934, 203 § 2.

SECTS. 36A-36D added under caption "DIRECT-REDUCTION LOANS" (changing and making permanent the law authorizing co-operative banks to make direct-reduction loans on real estate and providing for the suspension of payments thereon by persons in the military or naval service and others), 1941, 293 § 1. For prior temporary legislation (repealed by 1941, 293 § 2) see 1935, 191; 1936, 203; 1937, 233; 1938, 199.

SECT. 39 amended, 1941, 77.

SECT. 40 revised, 1941, 75.

SECT. 44, second paragraph revised, 1936, 159.

SECT. 47 revised, 1935, 75; 1936, 133.

SECT. 50, first paragraph amended, 1935, 54; 1937, 174.

SECT. 50A added, under caption "CONVERSION", 1935, 215 (establishing the procedure to be followed by a co-operative bank in converting into a federal savings and loan association); first paragraph amended, 1938, 162 § 2; second and third paragraphs revised, 1938, 244 § 6.

Chapter 171. — Credit Unions.

For temporary act, establishing the Central Credit Union Fund, Inc., for the term of five years, see 1932, 216; amended, 1934, 221; 1939, 112 § 2. Term extended to ten years, 1936, 70. Term extended to twenty years, 1941, 177.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941, 1939, 241; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 3, second paragraph revised, 1936, 323.

SECT. 5 amended, 1939, 112 § 1.

SECT. 15, last sentence stricken out, and paragraph added at end, 1933, 163 § 1; new paragraph added, 1935, 272; paragraph added by 1935, 272 revised, 1936, 329.

SECT. 19A added, 1938, 239 (relative to the liability of certain endorsers upon notes held by credit unions and authorizing the establishment of contingent funds by credit unions); revised, 1941, 79.

SECT. 20A added, 1936, 119 (relative to the impairment of the capital of credit unions).

SECT. 21 amended, 1933, 163 § 2; 1937, 228.

SECT. 24, paragraph added at end of subdivision (A), 1933, 163 § 3; first four paragraphs and subdivision (A) revised, 1941, 102.

SECT. 29, first paragraph revised, 1936, 139.

Chapter 172. — Trust Companies.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941, 1939, 241; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143.

SECT. 1 revised, 1934, 349 § 1.

SECT. 7, clause Fourth revised, 1934, 349 § 2.

SECT. 9, fifth sentence amended, 1934, 349 § 3.

SECT. 10, first paragraph amended, 1934, 349 § 4.

SECT. 11 revised, 1934, 349 § 5.

SECT. 12 revised, 1934, 349 § 6.

SECT. 13 revised, 1934, 349 § 7.

SECT. 14 revised, 1934, 349 § 8; 1935, 40; amended, 1936, 143 § 1.

SECT. 14A added, 1934, 349 § 9 (relative to the submission of a monthly report by the treasurer of a trust company to its board of directors); subparagraph 3 stricken out and subparagraphs 3 and 3A inserted, 1939, 244 § 1.

SECT. 15 revised, 1934, 349 § 10.

SECT. 16, paragraph added at end, 1934, 349 § 11.

SECT. 18 revised, 1934, 349 § 12; amended, 1935, 18.

SECT. 19 amended, 1934, 349 § 13.

SECT. 24 revised, 1934, 349 § 14; two paragraphs added at end, 1937, 248.

SECT. 25 amended, 1934, 349 § 15.

SECT. 26 amended, 1934, 349 § 16.

SECT. 30A, sentence added at end, 1934, 349 § 17.

SECT. 31 revised, 1934, 349 § 18; last sentence amended, 1939, 124.

SECT. 33 revised, 1941, 484 § 1. (See 1941, 484 §§ 4, 5.)

SECT. 34 revised, 1934, 349 § 19; 1939, 244 § 2.

SECT. 40 revised, 1941, 484 § 2. (See 1941, 484 §§ 4, 5.)

SECT. 43 revised, 1934, 349 § 20; 1941, 484 § 3. (See 1941, 484 §§ 4, 5.)

SECT. 44 revised, 1939, 187.

SECT. 44A added, 1933, 41 § 2 (authorizing trust companies to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).

SECT. 45 revised, 1934, 349 § 21; amended, 1939, 244 § 3.

SECT. 46 revised, 1934, 349 § 22; amended, 1939, 244 § 4.

SECT. 48 revised, 1934, 349 § 23; paragraph (c) added at end, 1937, 276.

SECT. 54 amended, 1934, 349 § 24; 1935, 172 § 1.

SECT. 54A added, 1935, 172 § 2 (authorizing trust companies under certain conditions to deposit in their commercial departments certain funds held in their trust departments).

SECT. 57 revised, 1934, 349 § 25.

SECT. 60 amended, 1934, 349 § 26.

SECT. 61 amended, 1933, 41 § 3.

SECT. 62 amended, 1934, 349 § 27; revised, 1941, 104.

SECT. 66 revised, 1932, 245 § 2.

SECT. 67, paragraph added at end, 1933, 334 § 29 (regulating the declaration and payment of interest on deposits in savings departments of trust companies).

SECT. 74 amended, 1934, 349 § 28.

SECT. 75 revised, 1934, 349 § 29.

SECT. 76 amended, 1934, 349 § 30.

SECT. 80 revised, 1934, 349 § 31 (but see 1934, 349 § 32.)

SECT. 82 added, under caption "SET-OFF OR RECOUPMENT OF DEPOSITS", 1932, 295 § 1. (See 1932, 295 § 2.)

SECTS. 83-89 added, under caption "CONSERVATORSHIP", 1933, 87 § 1.

SECTS. 83, 88. See 1933, 112 §§ 6, 9.

SECT. 90 added, 1933, 273 (relative to the enforcement of conservatorship proceedings in respect to trust companies).

Chapter 172A. — Banking Companies.

New chapter inserted, 1935, 452, § 4.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 1 revised, 1938, 266 § 2; amended, 1941, 391 § 1. (See 1941, 391 §§ 2, 3.)

SECT. 1A added, 1938, 266 § 3 (authorizing certain existing corporations to vote to carry on the business of a banking company on certain conditions).

SECT. 2 amended, 1938, 266 § 4.

SECT. 3 revised, 1938, 266 § 5.

SECT. 4 amended, 1938, 266 § 6.

SECT. 5, first paragraph revised, 1938, 266 § 7.

SECT. 6 revised, 1938, 266 § 9.

SECT. 7A added, 1938, 266 § 8 (relative to the carrying and disposition by certain existing corporations of certain assets not authorized as investments after they become subject to this chapter).

SECT. 15 added, 1941, 438 (authorizing banking companies to sell certain negotiable checks).

Chapter 175. — Insurance.

For temporary act, authorizing insurance companies, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162; amended and extended to July 1, 1939, 1937, 240; further extended to July 1, 1941, 1939, 241; affected, 1939, 359; further extended to July 1, 1943, 1941, 260.

For temporary act, modifying the requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

SECT. 1, paragraph added after word "law" in the fifty-second line, 1938, 306 (defining "resident" with respect to the incorporators, officers and directors of insurance companies).

SECT. 4, first paragraph revised, 1938, 357 § 1; fourth paragraph amended, 1939, 472 § 4; revised, 1941, 324.

SECT. 5 amended, 1933, 107 § 2.

SECT. 6, first paragraph amended, 1933, 107 § 3; section amended, 1939, 472 § 1; first paragraph amended, 1939, 488 § 2. (See 1939, 488 § 9.)

SECT. 9, clause Second revised, 1941, 326 § 1; clause Fourth revised, 1941, 326 § 2.

SECT. 11, first paragraph amended, 1934, 92 § 1; third paragraph amended, 1933, 5.

SECT. 14 amended, 1939, 395 § 2; revised, 1941, 635 § 3, 693.

SECT. 16, second paragraph amended, 1939, 395 § 3.

SECT. 19A amended, 1934, 137 § 2; revised, 1941, 364 § 1.

SECT. 19B added, 1939, 375 (authorizing domestic insurance companies to merge or consolidate with foreign insurance companies in certain cases); revised, 1941, 364 § 2.

SECT. 19C added, 1941, 364 § 3 (relative to rights of stockholders of merging or consolidating corporations).

SECT. 20, new paragraph inserted after fifth paragraph, 1941, 343.

SECT. 22A revised, 1935, 234; last paragraph amended, 1938, 181.

SECT. 25, last paragraph of Form A stricken out, 1934, 12; last paragraph of section amended, 1934, 92 § 2.

SECT. 29 revised, 1939, 167.

SECT. 32 revised, 1938, 357 § 2; amended, 1941, 342 § 1.

SECT. 36, second paragraph revised, 1935, 140; 1936, 61; two paragraphs added at end, 1938, 218 § 1.

SECT. 47, clause First revised, 1938, 176; clause Fourth revised, 1938, 307; clause Sixth amended, 1941, 243; clause Seventh amended, 1937, 261; clause Twelfth revised, 1935, 204.

SECT. 49, paragraph inserted after second paragraph, 1939, 15 § 2; paragraph contained in the twenty-second to the twenty-eighth lines revised, 1941, 342 § 2; last paragraph stricken out, 1941, 342 § 3.

SECT. 50, third sentence amended, 1932, 180 § 33.

SECT. 54, clause (e) revised, 1939, 488 § 3. (See 1939, 488 § 9.)

SECT. 54A added, 1932, 165 (permitting certain insurance companies to make outside the commonwealth contracts insuring personal property against all risks or hazards); amended, 1938, 198.

SECT. 64, second paragraph amended, 1936, 213; paragraph added at end, 1941, 548.

SECT. 72 amended, 1936, 212.

SECT. 73, first paragraph revised, 1939, 300 § 1.

SECT. 77 amended, 1941, 365 § 1. (See 1941, 365 § 2.)

SECT. 79 revised, 1933, 23 § 1.

SECT. 80, paragraph inserted after the word "classified" in the twenty-third line, 1936, 315.

SECT. 83, paragraph added at end, 1941, 716 § 5. (See 1941, 723.)

SECT. 85A added, 1941, 716 § 1 (providing that the commissioner of insurance may authorize certain domestic mutual insurance companies to issue non-assessable policies). (See 1941, 723.)

SECT. 87 repealed, 1934, 22.

SECT. 90, first paragraph amended, 1941, 716 § 2. (See 1941, 723.)

SECT. 90A amended, 1939, 300 § 2.

SECT. 90B revised, 1933, 23 § 2.

SECT. 93, first paragraph revised, 1939, 488 § 1; 1941, 654 § 1. (See 1939, 488 § 9.)

SECT. 93B revised, 1939, 488 § 4. (See 1939, 488 § 9.)

SECT. 93C revised, 1939, 488 § 5. (See 1939, 488 § 9.)

SECT. 93D revised, 1939, 488 § 6. (See 1939, 488 § 9.)

SECT. 93F added, 1941, 716 § 3 (permitting certain domestic mutual insurance companies to issue non-assessable policies). (See 1941, 723.)

SECT. 94, first two paragraphs stricken out, and two new paragraphs inserted, 1933, 81; first paragraph amended, 1938, 218 § 2.

SECT. 97 amended, 1933, 31.

SECT. 99, clause Ninth revised, 1934, 95.

SECT. 102 amended, 1932, 174 § 1; revised, 1934, 110 § 1. (See 1932, 174 § 2; 1934, 110 § 2.)

SECT. 106 revised, 1932, 150 § 1; amended, 1939, 400 § 1. (See 1932, 150 § 4.)

SECT. 110, sentence added at end, 1939, 133; section amended, 1941, 118.

SECT. 110A added, 1938, 401 (relative to exemption of the benefits of disability insurance from attachment and execution).

SECT. 110B added, 1939, 209 (relative to the termination or lapsing of certain accident and health policies for non-payment of premiums).

SECT. 113A, provision (2) amended, 1933, 119 § 1, revised, 1933, 145 § 1; provision (2A) added, 1933, 145 § 2, amended, 1935, 296 § 1; provision (6) revised, 1936, 272. (See 1933, 145 § 3; 1935, 296 § 2.)

SECT. 113B, paragraph inserted after first paragraph, 1935, 459 § 4. (See 1935, 459 § 5.)

SECT. 113D, first paragraph revised, 1933, 119 § 2; fourth paragraph revised, 1933, 146 § 1; sixth paragraph revised, 1933, 146 § 2, amended, 1934, 46; first sentence of sixth paragraph amended, 1938, 311; paragraph added at end, 1933, 119 § 3; paragraph added at end, 1934, 379. (See 1933, 119 § 6, 146 § 3.)

SECT. 113E added, 1934, 61 (prohibiting certain discrimination in the issuance or execution of motor vehicle liability policies or bonds); amended, 1941, 401.

SECT. 113F added, 1937, 390 (relative to the renewal of motor vehicle liability policies or bonds, so called, in certain cases); first paragraph amended, 1938, 351.

SECT. 113G added, 1939, 406 § 1 (relative to the relations of officers, directors and employees of certain domestic insurance companies with certain insurance agencies and finance companies). (See 1939, 406 § 2.)

SECT. 114 amended, 1932, 180 § 34; 1939, 225.

SECT. 116A amended, 1932, 180 § 35.

SECT. 117A, first paragraph amended, 1938, 216 § 1; heading before section 117A stricken out and "MARINE AND AUTOMOBILE AND SPRINKLER LEAKAGE INSURANCE" inserted, 1938, 216 § 2.

SECTS. 125, 126. See 1933, 42.

SECT. 132, first paragraph revised, 1933, 101 § 1.

SECT. 133, clause (b) amended, 1938, 362 § 2; clause (c) added, 1938, 362 § 1.

SECT. 134, sentence added at end of provision numbered 4, 1938, 362 § 3; said provision revised, 1939, 170; 1941, 456; last paragraph stricken out and three new paragraphs inserted, 1938, 362 § 4.

SECT. 140, third paragraph amended, 1933, 101 § 2.

SECT. 144, last paragraph revised, 1933, 101 § 3; first three paragraphs stricken out and four new paragraphs inserted, 1938, 209 § 1. (See 1938, 209 § 3.)

SECT. 147 amended, 1938, 209 § 2.

SECT. 147B added, 1935, 232 (requiring foreign life insurance companies to provide for paid-up and extended term insurance and cash surrender values on policies of industrial life insurance issued in the commonwealth).

SECT. 151, clause Second amended, 1933, 107 § 1; clause Second, subdivision (3) (c) revised, 1939, 488 § 7; clause Second, subdivision (3) (f) revised, 1939, 488 § 8. (See 1939, 488 § 9.)

SECT. 152A added, 1941, 716 § 4 (relative to the issue by certain foreign mutual insurance companies of non-assessable policies). (See 1941, 723.)

SECT. 155, clause First revised, 1932, 150 § 2, amended, 1939, 400 § 2. (See 1932, 150 § 4.)

SECT. 156A amended, 1933, 30.

SECT. 157, paragraph added at end, 1939, 315; section revised, 1941, 451.

SECT. 160A added, 1933, 25 § 1 (prohibiting the printing or publication of certain advertisements for or on behalf of unlicensed insurance companies).

SECT. 160B added, 1934, 14 § 1 (authorizing the commissioner of insurance to publish certain information relative to unlicensed foreign insurance companies or societies).

SECT. 162, third paragraph revised, 1941, 286.

SECT. 163, paragraph added at end, 1941, 502.

SECT. 164A added, 1938, 225 (providing that no insurance agent shall be charged with a decrease or deduction from his commission or salary on account of industrial life insurance policies lapsed or surrendered after being paid on for three years).

SECT. 167A amended, 1934, 137 § 3; 1937, 260.

SECT. 172, last sentence revised, 1941, 703.

SECT. 174C added, 1941, 493 (relative to the qualifications and licensing of insurance agents, insurance brokers and special insurance brokers).

SECTS. 177A-177D added, 1939, 395 § 1 (defining and providing for the licensing of insurance advisers).

SECT. 177B, second and third paragraphs stricken out, and new paragraph inserted, 1941, 635 § 1; paragraph added at end, 1941, 635 § 2.

SECT. 178 amended, 1941, 450 § 2.

SECT. 179, sentence added at end, 1939, 472 § 2; section revised, 1941, 452.

SECT. 180A stricken out, and new sections 180A-180L inserted, 1939, 472 § 3 (relative to the rehabilitation, conservation and liquidation of certain domestic and foreign insurers).

SECT. 181 revised, 1934, 160; amended, 1939, 395 § 4.

SECT. 184 amended, 1937, 103.

SECT. 185, first paragraph amended, 1939, 400 § 3; second paragraph revised, 1932, 150 § 3; first and second paragraphs revised, 1941, 654 § 2.

SECT. 187C, first paragraph amended, 1934, 34; 1936, 215 § 1. (See 1936, 215 § 2.)

SECT. 193B added, 1937, 314 (authorizing the payment of motor vehicle insurance premiums in instalments).

Chapter 176. — Fraternal Benefit Societies.

SECT. 3 amended, 1941, 336 § 1.

SECT. 4 amended, 1939, 139.

SECT. 5 amended, 1933, 25 § 2; 1934, 14 § 2.

SECT. 12, first paragraph revised, 1941, 310.

SECT. 16 amended, 1938, 93.

SECT. 18 revised, 1941, 336 § 2.

SECT. 19A added, 1939, 236 § 1 (relating to the granting of annuities by certain fraternal benefit societies).

SECT. 21 amended, 1934, 170; revised, 1937, 79; amended, 1939, 236 § 2.

SECT. 22 amended, 1941, 336 § 3.

SECT. 23 amended, 1932, 46; 1938, 94.

SECT. 24 amended, 1941, 322.

SECT. 25 revised, 1938, 157.

SECT. 30 amended, 1941, 336 § 4.

SECT. 36, first paragraph amended, 1941, 336 § 5.

SECT. 40, first two sentences amended, 1932, 180 § 36.

SECT. 41 amended, 1939, 168.

SECT. 45, second sentence amended, 1939, 254 § 1; second paragraph amended, 1932, 104.

SECT. 46, fifth paragraph amended, 1939, 254 § 2; paragraph inserted after third paragraph, 1941, 274.

SECT. 46B added, 1932, 47 § 1 (authorizing certain fraternal benefit societies to acquire, hold, manage and dispose of real property, and confirming title to such property heretofore acquired by certain of such societies).

SECT. 46C added, 1941, 397 (permitting certain fraternal benefit societies to contract with insurance companies for the payment of benefits).

Chapter 176A. — Non-Profit Hospital Service Corporations.

New chapter inserted, 1936, 409.

SECT. 2, second sentence amended, 1939, 312 § 7.

SECT. 3 amended, 1939, 312 § 1.

SECT. 4 amended, 1939, 312 § 2.

SECT. 5 revised, 1939, 312 § 3.

SECT. 7 amended, 1939, 312 § 4.

SECT. 9 revised, 1939, 312 § 5.

SECT. 11 added, 1939, 312 § 6 (relative to the payment of salaries, compensation or emoluments by certain non-profit hospital service corporations).

Chapter 176B. — Medical Service Corporations.

New chapter inserted, 1941, 306.

Chapter 176C. — Non-Profit Medical Service Plans.

New chapter inserted, 1941, 334.

Chapter 178. — Savings Bank Life Insurance.

SECT. 10 amended, 1935, 330 § 1.

SECT. 11 amended, 1935, 330 § 2.

SECT. 11A added, 1935, 330 § 3 (relative to non-payment of premiums on annuity and certain other contracts).

SECT. 15 amended, 1935, 330 § 4; 1936, 285 § 1.

SECT. 17 revised, 1935, 330 § 5; 1939, 391 § 1. (See 1939, 391 § 2.)

SECT. 19 amended, 1935, 330 § 6.

SECT. 21 revised, 1935, 330 § 7; amended, 1936, 285 § 2.

SECT. 26 revised, 1932, 103.

SECT. 29 amended, 1936, 285 § 3; revised, 1941, 108 § 1.

SECT. 30 amended, 1936, 285 § 4.

SECT. 31 revised, 1941, 108 § 2.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 5 amended, 1934, 328 § 21.

SECT. 10 amended, 1932, 180 § 37; revised, 1937, 151 § 1.

SECT. 11 revised, 1937, 151 § 2.

SECT. 12A amended, 1935, 246.

SECT. 26A added, 1933, 236 § 1 (requiring the filing of annual returns by certain incorporated clubs and other corporations). (See 1933, 236 § 2.)

SECT. 27 amended, 1934, 328 § 22.

Chapter 183. — Alienation of Land.

SECT. 4 revised, 1941, 85.

SECT. 43 amended, 1937, 101 § 1.

SECT. 44 amended, 1937, 101 § 2.

Chapter 184. — General Provisions relative to Real Property.

SECT. 13 amended, 1937, 112; revised, 1937, 245 § 1. (See 1937, 245 § 2.)

SECT. 15 amended, 1941, 88 § 1. (See 1941, 88 § 2.)

SECT. 17A added, 1939, 270 (relative to the effect of agreements for the purchase and sale of real estate).

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 1, clause (b) revised, 1935, 318 § 3; clause (c) revised, 1935, 318 § 4; clause ($j\frac{1}{2}$) added, 1934, 263 § 1 (granting to land court exclusive original jurisdiction to determine by declaratory judgment the validity and extent of municipal zoning ordinances, by-laws and regulations); clause (k) revised, 1934, 67 § 1; clauses (l) and (m) added, 1935, 318 § 5 (granting to said court original jurisdiction con-

current with supreme judicial and superior courts of certain suits in equity); paragraph in lines 44-50, inclusive, revised, 1937, 183 § 1. (See 1934, 67 § 2; 1935, 318 § 8; 1937, 183 § 2.)

SECT. 2 amended, 1937, 409 § 3. (See 1937, 409 § 7.)

SECT. 2A repealed, 1937, 409 § 4. (See 1937, 409 § 7.)

SECT. 12, sentence added at end, 1941, 27.

SECT. 25A added, 1933, 55 (relative to the power of the land court to enforce its orders and decrees, and relative to service of its processes).

SECT. 40 amended, 1937, 118.

SECT. 78 amended, 1937, 144 § 1. (See 1937, 144 § 2.)

Chapter 188. — Homesteads.

SECT. 1 amended, 1939, 32 § 1. (See 1939, 32 § 5.)

SECT. 9 amended, 1939, 32 § 2. (See 1939, 32 § 5.)

Chapter 189. — Dower and Curtesy.

SECT. 3 revised, 1936, 91 § 1. (See 1936, 91 § 2.)

Chapter 190A. — Effect of Apparently Simultaneous Deaths upon Devolution and Disposition of Property, including Proceeds of Insurance.

New chapter inserted, 1941, 549 § 1. (See 1941, 549 § 2.)

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 1A added, 1934, 113 (requiring that the attorney general be made a party in certain proceedings relative to the probate of wills).

SECT. 7. See 1937, 408 § 3.

Chapter 193. — Appointment of Administrators.

SECT. 3 amended, 1938, 328.

Chapter 194. — Public Administrators.

SECT. 7 revised, 1933, 100.

SECT. 9, last sentence amended, 1932, 180 § 38; section affected, 1932, 180 § 45.

SECT. 10. See 1936, 428.

Chapter 195. — General Provisions relative to Executors and Administrators.

SECTS. 1-4 repealed, 1933, 221 § 1. (See 1933, 221 § 8.)

SECT. 8 amended, 1933, 221 § 2. (See 1933, 221 § 8.)

Chapter 196. — Allowances to Widows and Children, and Advancements.

SECT. 2 amended, 1933, 36; revised, 1936, 214.

Chapter 197. — Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended, 1933, 221 § 3. (See 1933, 221 § 8.)

SECT. 2A added, 1939, 298 (establishing limitations applicable to suits

against, and regulating the payments of debts by, administrators de bonis non).

SECT. 9 amended, 1933, 221 § 4. (See 1933, 221 § 8.)

Chapter 200. — Settlement of Estates of Absentees.

SECT. 12 revised, 1941, 399 § 1.

SECTS. 13 and 14 stricken out and new section 13 inserted, 1941, 399 § 2.

Chapter 201. — Guardians and Conservators.

SECT. 6 amended, 1941, 194 § 13.

SECT. 7 amended, 1941, 194 § 14.

SECT. 13, sentence added at end, 1934, 204 § 1; section amended, 1941, 194 § 15.

SECT. 13A added, 1941, 325 (providing for the removal of a permanent guardian of an insane person).

SECT. 14 amended, 1941, 194 § 16.

SECT. 18, new sentence added at end, 1934, 204 § 2.

SECT. 30 amended, 1939, 57.

SECT. 39A added, 1936, 270 (authorizing payments from estates of minors under guardianship for expenses for the funerals of the parents in certain cases).

SECT. 47A added, 1937, 312 § 1 (permitting guardians and conservators to invest funds in certain insurance policies and annuity contracts).

SECT. 48A revised, 1941, 241.

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof).

SECT. 12 amended, 1941, 194 § 17.

SECT. 14 amended, 1934, 157 § 1.

SECT. 19 amended, 1941, 341 § 1. (See 1941, 341 § 2.)

SECT. 20 revised, 1933, 221 § 5. (See 1933, 221 § 8.)

Chapter 203. — Trusts.

SECT. 16 amended, 1934, 157 § 2.

SECT. 17A added, 1932, 50 (relative to the sale of real estate by foreign testamentary trustees).

SECT. 22 amended, 1936, 184 § 1. (See 1936, 184 § 2.)

SECT. 25A added, under the heading "PURCHASE OF INSURANCE POLICIES OR ANNUITY CONTRACTS", 1937, 312 § 2 (permitting trustees to invest funds in certain insurance policies and annuity contracts).

Chapter 203A. — Collective Investment of Small Trust Funds.

New chapter inserted, 1941, 474.

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

SECT. 26 amended, 1933, 221 § 6. (See 1933, 221 § 8.)

Chapter 205. — Bonds of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 4 amended, 1941, 45 § 1.

SECT. 5 amended, 1941, 45 § 2.

Chapter 206. — Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 7 amended, 1941, 194 § 18.

SECT. 16 amended, 1941, 36.

SECT. 17 amended, 1936, 208.

SECT. 19 repealed, 1938, 154 § 2.

SECT. 23 repealed, 1938, 154 § 2.

SECT. 24 revised, 1938, 154 § 1.

Chapter 207. — Marriage.

SECT. 5 amended, 1941, 194 § 18A.

SECT. 7 revised, 1941, 270 § 1.

SECT. 20 amended, 1933, 127.

SECT. 20A added, 1939, 269 § 3 (relative to the duties of city and town clerks in the case of the filing of notices of intention of marriage of pregnant females).

SECT. 20B added, 1941, 601 § 1 (requiring pre-marital physical examination); first paragraph amended, 1941, 697 § 1; second paragraph stricken out and three paragraphs inserted, 1941, 697 § 2. (See 1941, 697 § 3.)

SECT. 28 amended, 1941, 601 § 2. (See 1941, 601 § 4.)

SECT. 30 amended, 1937, 11 § 1. (See 1937, 11 § 2.)

SECT. 33 amended, 1941, 270 § 2.

SECT. 38 revised, 1932, 162.

SECT. 47A added, under heading "BREACH OF CONTRACT TO MARRY NOT ACTIONABLE", 1938, 350 § 1 (abolishing causes of action for breach of contract to marry). (See 1938, 350 § 3.)

SECT. 57 amended, 1941, 601 § 3. (See 1941, 601 § 4.)

Chapter 208. — Divorce.

SECT. 2 revised, 1937, 76 § 1. (See 1937, 76 § 2.)

SECT. 19 revised, 1932, 3.

SECT. 21, sentence added at end, 1934, 181 § 1. (See 1934, 181 § 2.)

SECT. 33 revised, 1936, 221 § 1. (See 1936, 221 § 2.)

SECT. 38 revised, 1933, 288.

Chapter 209. — Husband and Wife.

SECT. 21 amended, 1939, 32 § 3. (See 1939, 32 § 5.)

SECT. 32, sentence added at end, 1938, 136.

SECT. 33 revised, 1933, 360.

Chapter 210. — Adoption of Children and Change of Names.

SECT. 1 amended, 1941, 44.

SECT. 3 amended, 1941, 61.

Chapter 211. — The Supreme Judicial Court.

SECT. 11 revised, 1933, 300 § 1. (See 1933, 300 § 4.)

SECT. 19 revised, 1938, 115 § 1.

Chapter 212. — The Superior Court.

For act further extending to January 1, 1941, the operation of certain provisions of law (1923, 469, as amended,) relative to the more prompt disposition of criminal cases in the superior court, see 1937, 358; further extensions, 1939, 398; 1941, 576.

For act relative to sittings and sessions of the superior court, see 1932, 144. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14 revised, 1932, 144 § 1. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14A added, 1932, 144 § 2 (regulating the establishing of sessions and sittings of the superior court). (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 22 amended, 1934, 287.

SECT. 25 amended, 1932, 144 § 4.

SECT. 26A added, 1935, 229 § 1 (providing for the transfer from the superior court to the land court of certain actions at law and suits in equity where any right, title or interest in land is involved). (See 1935, 229 § 2.)

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

SECTS. 1A and 1B added, 1939, 257 § 1 (granting to the superior court jurisdiction of certain extraordinary writs and certain other matters, concurrently with the supreme judicial court). (See 1939, 257 § 2.)

SECT. 1A amended, 1941, 28, 180.

SECT. 6 amended, 1932, 144 § 5.

Chapter 214. — Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.

SECT. 1 amended, 1935, 407 § 2. (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.)

SECT. 2. Affected, 1939, 257 § 2.

SECT. 3, clause (12) added at end, 1939, 194 § 1.

SECT. 9 amended, 1934, 381; 1935, 407 § 3. (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.)

SECT. 9A added, 1935, 407 § 4 (limiting authority of courts to grant injunctive relief in cases involving or growing out of labor disputes). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.)

Chapter 215. — Probate Courts.

SECT. 6 amended, 1933, 237 § 1; revised, 1937, 257; amended, 1939, 194 § 2.

SECT. 6B added, 1935, 247 § 1 (providing for interpretative judgments in the probate courts as to the meaning of written instruments). (See 1935, 247 § 2.)

SECT. 30A amended, 1934, 330.

SECT. 44, last sentence revised, 1941, 323 § 1. (See 1941, 323 § 2.)

SECT. 61 repealed, 1939, 65 § 1. (See 1939, 65 § 2.)

SECT. 62, paragraph in lines 17-20 revised, 1932, 107; 1936, 241; paragraph in lines 29-33 revised, 1934, 24; paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; paragraph in lines 45-51 revised, 1935, 132; paragraph in lines 56 and 57 revised, 1933, 274. (See 1934, 175 § 2.)

Chapter 217. — Judges and Registers of Probate and Insolvency.

For legislation relative to abolition of office of special judge of probate and insolvency on the death, resignation or removal of the incumbent, see 1937, 408 § 8.

SECT. 1 amended, 1935, 434 § 1.

SECT. 2 amended, 1934, 290; 1935, 434 § 2.

SECTS. 5 and 6 stricken out and new sections 5, 5A, 6, 6A inserted, 1937, 408 § 3. (See 1937, 408 § 9.)

SECT. 7, sentence added at end, 1937, 408 § 4. (See 1937, 408 §§ 3, 9.)

SECT. 8 revised, 1937, 408 § 5. (See 1937, 408 § 9.)

SECT. 24A revised, 1939, 392.

SECT. 30 revised, 1935, 143 § 1;* 1935, 313 § 1; 1936, 252 § 1; 1941, 226 § 1. (See 1935, 313 § 3; 1936, 252 § 2; 1941, 226 § 2.)

SECT. 31A added,* 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

SECT. 34 revised, 1937, 408 § 1. (See 1937, 408 § 9.)

SECT. 38 repealed, 1937, 408 § 2.

SECT. 40 revised, 1937, 408 § 6. (See 1937, 408 § 9.)

SECT. 41 amended, 1937, 408 § 7; 1941, 503. (See 1937, 408 §§ 8, 9.)

Chapter 218. — District Courts.

For act further extending to January 1, 1941, the operation of certain provisions of law (1923, 469, as amended,) authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1937, 358; further extensions, 1939, 398; 1941, 576.

For legislation limiting the number of special justices of certain district courts, see 1941, 664.

SECT. 1, first paragraph under caption "*Franklin*" revised, 1932, 87 § 1; section amended, 1939, 451 § 59.

SECT. 6, first paragraph revised, 1941, 664 § 1. (See 1941, 664 §§ 2, 3.)

SECT. 8 revised, 1936, 282 § 1. (See 1936, 282 § 3.)

* Void for non-acceptance.

SECT. 9, sentence added at end, 1934, 217 § 1.

SECT. 10 amended, 1932, 160 § 1; 1937, 297 § 1; 1938, 193 § 1; last paragraph revised, 1938, 222 § 1; paragraph added at end, 1941, 309 § 1. (See 1937, 297 § 2; 1938, 193 § 2, 222 § 2.)

SECT. 13 revised, 1937, 59; first paragraph stricken out, 1939, 157 § 1. (See 1939, 157 § 4.)

SECT. 15 revised, 1939, 230 § 1, 347 § 1. (See 1939, 230 § 2.)

SECT. 16 revised, 1937, 219 § 3; 1939, 214 § 5.

SECT. 19 amended, 1934, 387 § 1. (See 1934, 387 § 5.)

SECT. 22 amended, 1937, 310.

SECT. 26 revised, 1937, 301 § 1; 1938, 365 § 1. (See 1937, 301 § 2; 1938, 365 § 2.)

SECT. 29 amended, 1932, 55.

SECT. 30 amended, 1941, 194 § 19.

SECT. 38, second sentence revised, 1939, 347 § 2.

SECT. 43 amended, 1939, 347 § 3.

SECT. 43A, first paragraph amended, 1938, 324; section revised, 1941, 682 § 1. (See 1941, 682 §§ 1A, 2.)

SECT. 53, paragraph added after the first paragraph, 1936, 230.

SECT. 58 revised, 1936, 282 § 2. (See 1936, 282 § 3.)

SECT. 62 amended,* 1932, 235 § 1; revised,* 1932, 247 § 1; amended, 1935, 71 § 1; 1937, 298; revised, 1939, 305; amended, 1941, 309 § 3, 348. (See 1935, 71 § 2.)

SECT. 63 revised, 1935, 341.

SECT. 76 amended, 1932, 269 § 1; 1935, 366 § 1; 1937, 378 § 1; revised, 1939, 451 § 60. (See 1935, 366 § 3.)

SECT. 77 revised, 1937, 294.

SECT. 79 amended, 1941, 309 § 2; revised, 1941, 447 § 2. (See 1941, 447 §§ 4, 5.)

SECT. 80, sentence added at end, 1935, 366 § 2; section amended, 1936, 229 § 1; 1937, 378 § 2; revised, 1941, 447 § 3. (See 1935, 366 § 3; 1936, 229 § 2; 1941, 447 §§ 4, 5.)

SECT. 81 revised, 1939, 296 § 1. (See 1939, 296 § 3.)

Chapter 219. — Trial Justices.

SECT. 28 amended, 1934, 328 § 23.

Chapter 220. — Courts and Naturalization.

SECTS. 13A and 13B added, 1935, 407 § 5 (regulating procedure in trials for contempt arising out of disobedience to decrees or process of courts in labor dispute cases). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (h) inserted by 1938, 345 § 2.)

SECT. 14A added, 1936, 206 § 1 (relative to the time within which certain justices shall render their decisions). (See 1936, 206 § 2.)

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

* Void for non-acceptance.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 4 amended, 1935, 89 § 1; 1937, 158 § 1. (See 1935, 89 § 2; 1937, 158 § 2.)

SECT. 5 amended, 1932, 51.

SECT. 12 revised, 1937, 219 § 4; 1939, 214 § 6.

SECT. 24 revised, 1936, 31 § 3.

SECT. 27 revised, 1939, 157 § 2. (See 1939, 157 § 4.)

SECT. 27A added, 1939, 157 § 3 (relative to the disposal of certain obsolete and useless papers of courts). (See 1939, 157 § 4.)

SECT. 43 revised, 1939, 197 § 1.

SECTS. 44A and 44B added, 1939, 197 § 2 (prohibiting employees and other persons connected with hospitals from furnishing certain information about certain personal injury cases to attorneys at law).

SECT. 46 revised, 1935, 346 § 1.

SECTS. 46A and 46B added, 1935, 346 § 2 (prohibiting individuals not members of the bar from practising law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 53 amended, 1939, 151.

SECT. 58 amended, 1932, 40 § 1.

SECT. 60 repealed, 1932, 40 § 2.

SECT. 63 amended, 1939, 6 § 1. (See 1939, 6 §§ 2, 3.)

SECT. 73 revised, 1935, 182 § 2; 1938, 347 § 2; 1941, 448 § 1. (See 1935, 182 §§ 5, 6; 1938, 347 § 3; 1941, 448 § 3.)

SECT. 73A added, 1938, 347 § 2; amended, 1941, 448 § 2. (See 1938, 347 § 3; 1941, 448 § 3.)

SECT. 76 revised, 1935, 182 § 3; first sentence stricken out and two new sentences added, 1939, 258 § 1; second and third sentences revised, 1939, 165 § 2. (See 1935, 182 §§ 5, 6; 1939, 165 § 3, 258 § 2.)

SECT. 80 amended, 1935, 182 § 4. (See 1935, 182 § 6.)

SECT. 94, first sentence amended, 1932, 180 § 39.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 2 revised, 1934, 387 § 2. (See 1934, 387 § 5.)

SECT. 2A added, 1935, 483 § 1 (providing for trial together of two or more actions arising out of the same motor vehicle accident pending in district courts). (See 1935, 483 §§ 2, 3.)

SECT. 24 amended, 1938, 115 § 2.

SECT. 38 amended, 1939, 451 § 61.

SECT. 42 amended, 1937, 295 § 1.

SECT. 44A added, 1937, 295 § 2 (further regulating the attachment of motor vehicles on mesne process in actions of contract).

SECT. 48 revised, 1937, 308; amended, 1938, 348 § 1. (See 1938, 348 § 2.)

SECT. 114 amended, 1938, 325 § 1. (See 1938, 325 § 2.)

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

SECT. 1 revised, 1934, 300 § 1. (See 1934, 300 § 2.)

SECT. 5 amended, 1933, 221 § 7; revised, 1937, 406 § 1. Affected, 1938, 16. (See 1933, 221 § 8.)

Chapter 229. — Actions for Death and Injuries Resulting in Death.

SECT. 2 amended, 1941, 460 § 1, 504 § 1.

SECT. 3, first sentence revised, 1941, 460 § 2; section amended, 1941, 504 § 2.

SECT. 5 amended, 1937, 406 § 3; 1941, 504 § 3.

SECT. 5A added, 1938, 278 § 1 (to permit recovery in certain death cases notwithstanding that the death of the tortfeasor occurred before that of the person whose death he caused). (See 1938, 278 § 2.)

SECT. 6 amended, 1939, 451 § 62.

SECT. 9 amended, 1941, 504 § 4.

Chapter 230. — Actions By and Against Executors and Administrators.

SECT. 5 amended, 1934, 116.

Chapter 231. — Pleading and Practice.

SECT. 6A added, 1939, 372 § 1 (relative to the recovery of certain medical expenses by the husband of a married woman or the parent or guardian of a minor, in actions to recover for personal injuries by married women and minors). (See 1939, 372 § 2.)

SECT. 7, clause Sixth revised, 1939, 67 § 1. (See 1939, 67 § 2.)

SECT. 55 amended, 1935, 318 § 6. (See 1935, 318 § 8.)

SECT. 59C added, under caption "SPEEDY TRIAL OF CERTAIN ACTIONS FOR MALPRACTICE, ERROR OR MISTAKE", 1935, 118 § 1 (relative to the advancement for speedy trial in the superior court of actions against physicians and others for malpractice, error or mistake). (See 1935, 118 § 2.)

SECT. 63 amended, 1932, 84 § 1.

SECT. 69 amended, 1932, 177 § 1. (See 1932, 177 § 2.)

SECT. 73 repealed, 1932, 180 § 40.

SECT. 78 repealed, 1932, 180 § 40.

SECT. 84A added, 1933, 247 § 1 (relative to the joint trial in the superior court of actions involving the same subject matter). (See 1933, 247 § 2.)

SECTS. 85B and 85C added, 1937, 439 § 1 (relative to procedure in certain actions to recover damages arising out of motor vehicle accidents and in suits by judgment creditors in actions to reach and apply the proceeds of motor vehicle liability policies and in actions to recover on motor vehicle liability bonds). (See 1937, 439 § 2.)

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The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, April 15, 1942.

I certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the Joint Committee on Rules of the General Court, in accordance with the provisions of General Laws, Tercentenary Edition, chapter 3, section 51, as amended by Acts of 1939, chapter 508, section 7.

FREDERIC W. COOK,
Secretary of the Commonwealth.

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